

# HOWNICKAN

## PEOPLE OF THE FIRE



Vol. 10, No. 6

Citizen Band Potawatomi Tribe

June, 1988

## Bingo battle continues *two steps forward, one step back*

On May 24 Judge Wayne Alley dismissed a suit against the Secretary of the Interior brought by Enterprise Management Consultants, Inc., operators of the tribe's bingo hall. EMCI brought suit contesting Interior's decision not to approve the management contract submitted by EMCI after the tribe rejected it.

Judge Alley ruled that the Western District did not have jurisdiction and noted "The doors of this courthouse are not open to redress every disappointment in contracting or to heal every economic malady." EMCI had argued for relief and judicial review under 25 U.S.C. s. 81 which provides "no agreement made by anyone with a tribe relative to their lands is valid unless approved within the Department of Interior."

In Alley's opinion, EMCI was "not even arguably within the 'zone of interest' to be protected by" 25 USC s. 81, the purpose of which, he said, "is to protect the interests of Indians."

The tribe has since filed pleadings urging Judge Luther Bohanon to excuse himself from the tribe's suit against EMCI. (See related story inside)

In the meantime, payments from EMCI to the tribe have dropped drastically. According to tribal calculations, EMCI's 1988 payments to the tribe are 73 percent of what they were in 1987 and 1986 - \$51,617.25 less this year than for the same period last year.

Documents and statements taken by the tribe during the "discovery period" of the current litigation, however, reveal that John Clark Caldwell III, a principal in EMCI, received \$344,246.23 in wire transfers from "EMCI Property Management Inc.'s" area bank account to a Florida bank account in the name of Caldwell Bingo Management, Inc. between February and August, 1986. During the same time period Caldwell was receiving \$6,000 a week from Enterprise Management Consultants, Inc.

Leroy Wheeler, another EMCI principal, also received \$6,000 a week from EMCI, while two "bus coordinators" received \$60,000 apiece in the first three months of 1986, with one of the "coordinators" allegedly receiving a minimum of \$101,000 through August 31, 1986.

Documentation was provided by accountants for EMCI.



Chairman Barrett Addressing Pottawatomie County Commissioners

## Tribe backs hospital loan

The Potawatomi Business Committee has signed a resolution guaranteeing purchase of Mission Hill Hospital for continued public use if the hospital defaults on a proposed \$1.5 million renovation loan.

The action was taken after the Pottawatomie County Commission voiced concerns of whether or not county funds would be spent if

the hospital was unable to make payments.

Mission Hill is a county hospital located across the street from the Potawatomi tribal complex. It is located on land formerly owned by the tribe that reverts back to tribal ownership in the event the hospital ceases to be a public entity.

After reviewing the hospital's recent audit and the proposed renovation plan and loan package, the Business Committee passed the resolution guaranteeing repayment of the loan and "immediate purchase of the hospital at fair market value, less existing debt and other obligations" in the event of default.

(Continued, page 20)

### Celebrate 'Potawatomi Days'

The Pottawatomie County Commission, the City of Shawnee and the City of Tecumseh have designated June 24, 25 and 26 as Citizen Band Potawatomi Days.

This year's annual pow wow, beginning June 24, is expected to be the biggest Potawatomi celebration ever held in Oklahoma. On June 25th the tribal election will take place between 7 a.m. and 2 p.m., with the annual council meeting beginning at 3 p.m.

Fire Lake Golf Course will be hosting a four-person scramble on June 24th and a two day all Indian tournament on the 25th and 26th. A horseshoe tournament is also slated for Saturday with registration at 7 a.m.

## Pharmacy proposal clarified for election

The 1988 set-aside budget referendum includes an \$18,000 proposal for establishing a tribal pharmacy. According to tribal health services director Ken Cadaret, R.N., the proposal may be the most important item for the elderly ever voted on by the council.

According to Cadaret, if the pharmacy is approved enrolled tribal members anywhere in the country will be eligible for at-cost prescriptions for chronic illnesses such as high blood pressure, heart and lung disease, etc. Dependents

of tribal members may receive prescriptions for an additional small surcharge. Life supporting drugs will be available to tribal members at the same cost the tribe pays the manufacturer. Hopefully, donations to the pharmacy will defray costs to tribal members unable to pay for their own prescriptions.

Cadaret welcomes questions concerning the proposed pharmacy. You may contact him at (405) 275-3121 or write to him at 1901 Gordon Cooper Drive, Shawnee, Oklahoma 74801.

The 1988 Potawatomi Election Committee has announced that any tribal member who has requested an absentee ballot but wishes to vote in person on June 25th must bring their absentee ballot with them to the polls. They will not be allowed to vote in person unless they turn in their absentee ballot to the committee. All absentee ballots returned through the mail must be received by June 25th to be counted in the 1988 election.



## Letter from the chairman

*(Msen A Ken Eh  
Na Ka Nit)*

Bourzho Nikan,

In the June 1 issue of the *Shawnee News Star*, the editorial page carried an article reprinted from the Associated Press, describing President Reagan's comments to Soviet university students during his visit to Moscow for the summit talks. A direct quote from this article follows:

"Maybe we made a mistake" in trying to maintain Indian cultures, Reagan said in answering questions at Moscow State University. "Maybe we should not have humored them in that, wanting to stay in that kind of primitive lifestyle. Maybe we should have said 'No, come join us. Be citizens along with the rest of us.'" Reagan told the Soviets that American Indians "from the beginning, announced that they wanted to maintain their way of life, as they always had there in the desert and Plains and so forth. And we set up these reservations so they could, and have a Bureau of Indian Affairs to help take care of them."

This has to be the most insulting, misinformed pile of nonsense

that ever fell from the mouth of a president of the United States in history - even one like Mr. Reagan, who has never met with Indian groups during his administration.

Reservation life in no way represents preservation of the "way of life" our ancestors led. By every standard, Indians are the poorest of the poor, with 22 percent of all Indians and 41 percent of reservation Indians living below the poverty level, as opposed to 12 percent of the rest of the nation's people. Indians were forced onto reservations, deprived of their property, starved, given smallpox-infested blankets, raped, killed, and mutilated. The Potawatomi were "humored" by being marched in the dead of winter from Indiana to Kansas, with our women forced to prostitute themselves to the government "removal contractors" to feed their babies. The Potawatomi were "humored" and removed because they were the richest and most enterprising of the people in the area and the crooked politicians wanted their land and businesses. While the rest of the Indian tribes

achieved citizenship in 1924, the Citizen Band Potawatomi became United States citizens in 1861. But even that did not prevent the crooked politicians from "humoring" us by stealing our land in Kansas or taking our cash-purchased reservation in Oklahoma. Citizenship did not prevent the Eisenhower administration from "terminating" 60 tribes in the 1950's or prevent the Bureau of Indian Affairs from its present day restrictive incompetence in obstructing tribes from updating their governmental structures.

To top it all off, Reagan told his Moscow audience that some Indians "became very wealthy because some of those reservations were overlaying great pools of oil. And you can get very rich pumping oil." In truth, Indian oil royalties nationwide amount to \$9.16 per Indian per month. If you take out the Osage Tribe, the amount is \$4.92 per month. For the Citizen Band Potawatomi, who lost the millions of barrels of oil under one-third of the territory of the great Seminole oil boom of the 1920's and 30's due to the allotment laws, the monthly income is seven one-hundredths of one cent - per person per year.

If we were "humored," Mr. President, the Citizen Band Potawatomi don't think it was very funny.

The annual pow wow and council meeting is coming up very soon. Be sure you return your ballots for the election as soon as possible. We look forward to seeing you at our greatest celebration of the year.

Megwetch,  
John Barrett

## Museum report

The tribal museum reported 145 visitors during the month of May. Ninety-six Oklahomans toured the museum along with three Coloradans, eight Texans, nine Californians, six Arizonans, two residents of Ohio, one each from Maryland, Tennessee, Alabama, Georgia, Nebraska, Vancouver, New Jersey and South Dakota. There were three visitors from New York, four from Illinois, two from Louisiana, two from Mississippi and two from France.

## Infant seats available

The Potawatomi Community Health Representative program has received additional funding to purchase infant car seats for Native Americans in the Shawnee area. Approximately 300 seats will be available in August. For more information contact the CHR office at (405) 275-3121.

## Fans for elderly

Any tribal members in the Shawnee area aware of an elder in need of a box fan are asked to contact the Potawatomi Health Services Department at (405) 275-3121.



## Sands named head lady dancer

Marla "Ahnung" Sands of Walpole Island is the 1988 Potawatomi Pow Wow Head Lady Dancer.

Marla, a Potawatomi and Ottawa Indian, is descended from Potawatomi hereditary chief Peterwegishik, who went to Canada during the 1837 Michigan Indian removal.

Marla, a 1987 high school graduate, is the daughter of John Kahbahnind Sands and Lauretta "Nowkwegeezhgokeve" Sands of Pottawatomie (Walpole) Island, Canada.

## Journalism scholarships

ASNE has awarded 40 scholarships of \$500 to minority seniors from cities across the nation. Each of the students is expected to graduate in the spring and will be entering college in the fall of 1988. Many of the students are working for their high school newspapers or have participated in journalism programs such as Urban Journalism Workshops or Youth Communications. The panel of 9 judges includ-

ing newspaper editors and journalism teachers selected the winners from more than 350 applications. These awards represent almost double the number of scholarships awarded in 1986. For more information about the ASNE Scholarship Program, contact Denise Johnson, ASNE Minority Affairs Director, P. O. Box 17004, Washington, D. C. 20041, 703-620-6087

## 15th Annual Citizen Band Potawatomi Pow Wow June 24, 25, 26, 1988

**Potawatomi Tribal Grounds, Shawnee, Oklahoma**  
Plenty of Campsites Available • RV Hookups • Showers Available •  
Arts & Crafts Booths and Concession Stands Welcome

For Additional Pow Wow  
Information, Contact  
ORVAL KIRK

P.O. Box 39, McLoud, OK. 74851  
405-964-3585

For Space Reservations,  
Contact

BOB DUNNING  
Rt. 5, Box 151, Shawnee, OK 74801  
405-275-3121

## Sequoyah Fellowship applicants sought

The Association on American Indian Affairs is seeking applications for the 1987-88 Sequoyah Fellowship Program for American Indians and Alaska Natives. The stipend is for eligible graduate students. For information: Scholarship Coordinator, Association on American Indian Affairs, 95 Madison Avenue, New York, N. Y. 10016, 212-689-8720

# POTAWATOMI PROFILE

## *Denny Haskew*

*Denny Haskew placed second last week  
at the Oklahoma City Red Earth  
Celebration*



*Potawatomi artist Denny Haskew won Best of Show and First Place in Sculpture at the Indian Art Show in Guthrie, Oklahoma April 21. The Art Show, which was in celebration of the 1889 land grab, featured over 40 Indian Artists from around the country. Haskew's sculpture titled "Ancient Defender" won the two top awards. It depicts an Anasazi Indian defending his cliff dwelling against an approaching unseen foe. Haskew, who is a member of the Citizen Band Potawatomi Tribe of Oklahoma and currently living in Loveland, Colorado, is very interested in representing Native Americans and their culture in his figurative artwork. He is currently working on a 7 foot figure of a mother and child to be donated to the city of Loveland.*

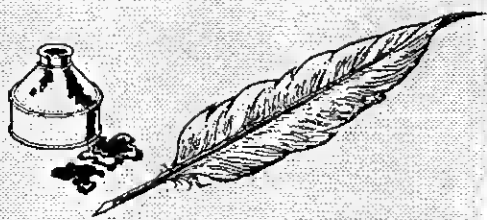
"I like to work figuratively concentrating on the planar aspects and the smooth flowing curves of my subject to create unique and expressive human forms. I endeavor to utilize my subjects anatomical factors, not record them. Believing that a genuine creative intention demands an intensely personal relationship between the artist and the work, I strive to take masses and the play of light as far as I can go, and feel that I have put some life into the clay."

Denny Haskew was born in Colorado and raised in the western states of Colorado, Utah, Arizona and Idaho. He earned a degree from the University of Utah and spent the following years as a river guide, a ski instructor and a dozen other occupations. Haskew turned his fascination with inherent artistry of human anatomy into an apprenticeship with sculptor Fritz White. After learning the technical aspects of creating three dimensional human forms, Denny set up his own studio in Loveland, Colorado, where he nurtured his artistic ability by working with renowned sculptor Kent Ullberg. All these past experiences led to the proficiency of his techniques. Sculpture by Haskew not only imitates life, his art captures the emotion of it.

He is a member of the Citizen Band of Potawatomi Indians of Oklahoma and cherishes his mixed-blood background. In the relative short time that Haskew has been actively creating sculpture he has demonstrated an ability to portray personalities and feeling in portraiture and human emotion through a vast array of subjects. He has established a clientele of private collectors and won awards and acceptance at each show he has entered. The installation of three public commissions in just the past year assures him a place as a legitimate sculptor.



# In your opinion...



**Chairman Barrett,**

In the recent *HowNiKan* we read about the spiritual leader jailed in Ventura, California - and he is to be returned to Kansas. How tragic! My Father and Mother were both born in Kansas and that is a hard old Republican State! In 1985 a 17 year old Indian (full blood) was sentenced to life imprisonment! I saw it on 60 Minutes with Dan Rather. I think the boy's crime was justified; we saw the trial, the stern faced Judge and one of the hardest faced women I have ever seen - the case worker (welfare) for these (2) little Indian boys. Their parents were dead. The boys were 8 and 4 when this dirty old man adopted them, a single parent, who immediately sexually abused Cameron, the oldest boy, and was pushing drugs, beating on the boy, physical abuse of all kinds. From the very day the boy was placed in his care in his home, he kept him in the basement to sleep, while the little boy slept upstairs. Dan Rather had them all on the news. The judge, case worker, etc. Cameron asked the case worker for protection - she told on him, and the old man beat him for talking. The 17 year old boy, now a husky man, beat him to death to protect his brother, for his own physical protection and his honor.

This happened in Wichita, Kansas. I saw the story twice. I wrote many letters in regards to this case. I think it was a justified homicide. I would urge you to ask all the readers of the *HowNiKan* to write letters of protests to every available source possible concerning Don Perrot's fate.

Then I urge the people to consider the greedy hypocritical, many scheming and immoral television T.V. ministers who fraudulently take money from widows and orphans and exploit sex offenders. I love the Lord - and his work and I've been a prayerful person all my life - and a Bible student since 1949. The churches got so corrupt I study at home. I am sincere, but soon there is going to be a great battle fought and the final showdown between God and the Devil. The prophecies have about all been fulfilled and soon our earth will be made new, and renovated, "The meek shall inherit

the earth." My dad was an oil promoter in early 20's and before - and I saw the Indians, cheated and beat out of money such as you would not believe, both in Kansas and Oklahoma. My Dad cared for the Indians by defending them, and because of that he lost a lot of work.

I have not given up on the federally promised land allotment, laws can be changed, and opinions can be changed.

Don Nickles did a good investigation into the matter and sent me the report. Nickles is a good man. We mailed out all the letters to names and addresses that were put in the *HowNiKan* concerning descendency. Also, my Granddaughter has a computer office - and made dozens of copies of the same, and we mailed them to Potawatomi relatives and friends in regards to Potawatomi enrollment. Also, I sent one to President Reagan. I would urge people to contact the Civil Liberties Union, in regards to these issues. I also mailed them one and had a promising reply by letter. We mailed those letters all over the U.S.A. The *HowNiKan* is a great paper. Thank you very much.

Gladys B. Small  
Tucson, Arizona

**HowNiKan,**

Here is my \$10 support for the *HowNiKan*. I think this is a wonderful news media to keep us informed of our heritage. If I received a bill once or twice a year it would come to my attention to pay more frequently.

Thanks for a very informative newspaper.

John A Chaulk  
Oklahoma

(Editor's Note: The *HowNiKan* is distributed free of charge to enrolled tribal members. Due to the rising costs of postage and printing, however, donations are greatly appreciated.)

April 28, 1988

Senator Daniel Inouye  
Senate Select Committee on  
Indian Affairs

Dear Senator Inouye:

As a citizen of the United States of America, as well as the Citizen Band Potawatomi Tribe of Indians and a resident citizen of the State

of Colorado, I respectfully request your intervention on my behalf and that of my issue and descendants.

The Citizen Band Potawatomi Tribe of Indians has voted affirmatively to make a change in our by-laws for membership within our tribe by direct descendency. (This was a provision of our by-laws prior to 1961 and was changed to a 1/8 requirement to accommodate the Indian Claims Commission and payment of claims to Citizen Band Potawatomi members.) Pursuant to this election, the Citizen Band Potawatomi Tribe of Indians wishes to have the Secretary of Interior for Indian Affairs call a secretarial election on the aforementioned proposed amendment to our Tribal Constitution and by-laws. This proposed amendment would again allow for tribal enrollment of individuals descended from a Citizen Band Allottee as was done by our ancestors and antecedents.

Scott Keep of the Solicitor's Office, Branch of Tribal Government, Department of Interior, has issued an opinion that the Secretary is not required to call an election requested by the Potawatomi people - based on his interpretation of a 1934 solicitor's opinion.

I believe this is another low level attempt to negate tribal self determination and grossly interferes with our sovereign status as a recognized tribe. The solicitor has placed himself in a position paralleling that of a "Banana Republic Dictator" exercising an undemocratic use of power. I believe he is abusing his position in using powers he does not have or in the least should not have and is usurping our rights of self determination.

It is my understanding that Congress and the courts have determined that tribes themselves establish their own requirements for membership. (Zarr v. Barlow, et-al No.85-2170 (9th Cir., September 30, 1986; Kansas Indians, 72 U.S., Wall, 1867; U.S. v. Sandoval, 1913; Public Law 99-228; 25 CFR 27.1(i) 1986; 1974 Indian Financing Act; Bryan v. Itasca County, 427 U.S. at 392; Wilson v. Watt 703 F 2d. 395, 402). Therefore, the BIA's intervention in the internal activities of a sovereign Indian nation seems a denigration of Congress' intent in signing government-to-government treaties and agreements with the tribes.

Contrary to the Solicitor's opinion I am actively involved in tribal affairs even though I am a lifetime resident of the State of Colorado, with the exception of 2 years spent outside of the state at the tail end of World War II while in the United States Army Air Force in the Aleutian Islands. This is in contradiction to the opinion quoted in Solicitor Scott Keep's memorandum whereby he states "The above language shows on the part of Congress a definite

policy to limit the application of Indian benefits, under the Indian Reorganization Act, to those who are Indians by virtue of actual tribal affiliation or by virtue of possessing one-half degree or more of Indian blood. In line with their declaration, it is our opinion, and will be our policy in connection with the approval of constitutions and by-laws of tribes, to urge and insist that any constitutional provision conferring automatic tribal membership upon children hereafter born, should limit such membership to persons who reasonably can be expected to participate in tribal relations and affairs."

The above opinion is in error as it relates to me and my family and other tribal members, with similar circumstances as I am 1/8 degree Citizen Potawatomi, but have attended council meetings in Shawnee, Oklahoma as well as in Denver when Regional Councils were established and have participated in all elections since the establishment of absentee ballots as have the majority of my family members. Last year I took my sister to Shawnee so that she could vote in our very important election of June, 1987, as she had not received her absentee ballot.

As our Tribal Chairman stated - "It appears they don't want any more Indians" - However, to my knowledge, Graham/Rudman was never heard of when treaties were made between our honorable people and the United States Government and it is my opinion the Solicitor has over-stepped his bounds.

Thus, I respectfully appreciate your supportiveness in defending the rights of the Citizen Band Potawatomi Indian Tribe and enforcement of United States Congressional promises to another sovereign government - that of my tribe.

Your attention to this matter is greatly appreciated.  
Copy to: Hazel Elbert, Deputy BIA to Ross Swimmer  
Congresswoman Pat Schroeder-Colorado  
Congressman Ben Nighthorse Campbell-Colorado  
Senator Tim Worth-Colorado  
Senator David Boren-Oklahoma  
Senator Don Nickles-Oklahoma  
Senator Wm. L. Armstrong-Colorado  
Congressman Wes Watkins-Oklahoma

Robert L. Sorrells  
Denver, Colorado

Editor,

An anthropologist from the University of Kansas observed that the Potawatomi "never quite become fully assimilated...Persons of some Potawatomi descent, no matter how small the blood-quantum...remain Potawatomi."

Continued, page 20

PROCLAMATION

A PROCLAMATION DECLARING JUNE 24, 25, AND 26, 1988, AS  
"CITIZEN BAND POTAWATOMI DAYS"  
IN THE CITY OF SHAWNEE, OKLAHOMA.

WHEREAS, the Citizen Band Potawatomi Tribe will be holding its annual General Council meeting and pow wow on June 24, 25, and 26, 1988; and

WHEREAS, this year marks the 15th annual pow wow to be held in conjunction with the Council meeting; and

WHEREAS, members of the Citizen Band Potawatomi Tribe have a longstanding relationship with the City of Shawnee and are contributing members of the Shawnee community; and

WHEREAS, in recent years the Tribe's sovereign government has actively pursued a working government-to-government relationship with the municipality of Shawnee,

NOW, THEREFORE, I, PIERRE F. TARON, MAYOR OF THE CITY OF SHAWNEE, OKLAHOMA, BY THE AUTHORITY VESTED IN ME, DO HEREBY PROCLAIM JUNE 24, 25, AND 26, 1988, AS

"CITIZEN BAND POTAWATOMI DAYS"

IN THE CITY OF SHAWNEE, OKLAHOMA, AND URGE OUR RESIDENTS TO ATTEND THE POW WOW AND BECOME ACQUAINTED WITH POTAWATOMI HISTORY, GOVERNMENT AND ENTERPRISES.

DATED THIS 6TH DAY OF JUNE, 1988.

  
PIERRE F. TARON, MAYOR

ATTEST:

  
CLARA HURST, CITY CLERK

## NATIONAL NEWS

### Treaty support

Several groups that support Indian treaty rights distributed leaflets at the Milwaukee Sentinel sports show that opened Mar. 11.

"We are bound by the Constitution to uphold treaty laws and need to resolve related issues peacefully and with intelligence and good will," said Sierra Eileen Powers, co-director of Witness for Non-Violence for Treaty and Rural Rights in Northern Wisconsin.

The Witness group was joined at the press conference by representatives of the Catholic Archdiocese of Milwaukee's Office for Native American Ministry and the Lutheran Human Relations Association of America.

The mission of the groups "has nothing to do with hunting and fishing in Wisconsin, it has everything to do with the affirmation of treaties as a matter of justice," said Sharon Metz, executive director of the Lutheran group.

Two days later, on Mar. 13 in Madison, several candidates were offered contributions from groups who oppose Chippewa treaty rights.

Five candidates were offered contributions at a meeting in Minocequa sponsored by Protect America's Rights and Resources (PARR) and Stop Treaty Abuses Inc.

Senate hopeful Stephen King was offered \$1,000, candidate for Congress Kevin Hermening was offered \$1,000, and Rep. James Holperin was offered \$501. Mark Mangerson, a candidate for circuit judge, and Will Young, a candidate for Minocqua town supervisor were also offered campaign contributions.

King's campaign director Cindy Schultz said King might have to return his contribution if a listing cannot be obtained of the contributors and the amounts they gave.

Federal election law requires that candidates itemize names and amount of cash contributions over \$100, said Schultz.

Holperin said he could not accept the contribution because it would either violate state law or his own self-imposed decision not to accept contributions from special interest groups.

### Solicitor named

M. Dennis Daugherty, a 1973 Louisiana State University Law School graduate and former legal counsel and special advisor to the Chairman of the Occupational Safety and Health Review Commission since 1985, has been

appointed Associate Solicitor in charge of the Division of Indian Affairs in the Department of Interior. He succeeds Tim Vollman who was named regional solicitor in Tulsa, Okla. Last August. Charles B. (Chuck) Hughes was acting in the position prior to Daugherty's appointment. From 1982 to 1985, Daugherty was with the Legal Services Corporation serving as Director of Government Relations, Vice President and finally Secretary of the Board. He was legislative assistant to former Congressman David Treen from 1974 to 1980 and later served as Director of Federal Relations for two years in the State of Louisiana when Mr. Treen was elected governor. He began his law practice with the Lake Charles, La. firm of Camp, Carmouche, Palmer, Carwile and Barsh. He is a member of the Louisiana State Bar Association and admitted to practice before the U.S. District Court for the Western District of Louisiana and the U.S. Supreme Court. He is a former Outstanding Committee Chairman of the Federal Bar Association and is listed in Who's Who in American Law.

### Indians lose in court

A sharply divided U.S. Supreme Court has ruled that three Indian tribes in California have no constitutional right to block a planned U.S. Forest Service road near sacred grounds, even if the project would "virtually destroy the Indians' ability to practice their religion."

Writing for the majority, Justice Sandra Day O'Connor said the Constitution simply does not provide a principle that could justify upholding the Indians' claims that the road project violates their First Amendment right to practice their religion. "Government simply could not operate if it were required to satisfy every citizen's religious needs and desires," O'Connor wrote.

Justices William Brennan, Jr., Thurgood Marshall and Harry Blackmun accused the majority of misreading and narrowing prior freedom-of-religion cases to produce a "cruelly surreal result . . . that governmental action that will virtually destroy a religion is nevertheless deemed not to 'burden' that religion."

### Racists active

(Coeur D'Alene, ID) - Racist activity against some Indian treaty rights is on the upswing, a Native

American Rights Fund (NARF) official told the first convention of the Northwest Coalition Against Malicious Harassment.

One of the worst "white backlash" examples is a Wisconsin bumper sticker that states "Save A Fish - Spear An Indian," says John Echohawk, executive director of NARF.

"This kind of hate is a result of federal courts upholding Indian fishing and hunting rights under their treaties," said Echohawk.

Anti-Indian treaty rights groups have come together in the states of Washington, Oregon, Idaho, Wisconsin and Michigan - primarily states where hunting, fishing and water rights are at issue.

Protect America's Rights and Resources (PARR) is one of the foremost proponents of abrogation of Indian treaty rights. The Wisconsin-based organization held a two-day national conference in Wausau during late March, 1987. PARR is pushing for Congress to abrogate or renegotiate Indian treaties using a guise of "equal rights."

"They (the anti-treaty groups) sound like very high-minded groups, but they want to take away our rights and sovereignty," said Echohawk.

The anti-treaty movement is actually pushing for the breakup of reservations and overturning of Indian treaties, he said.

### Government fights tribes

The federal government has stacked the deck against unrecognized Indian tribes that are trying to gain federal recognition, says a former chairman of an unrecognized tribe.

The government sets the criteria and determines what is admissible as evidence before recognizing a tribe, an act that would allow the tribe access to federal development money, said Kenneth Hansen, former chairman of the Samish Tribe.

"Not only will the government tell you what the criteria is, but they will tell you what they accept as evidence," Hansen told a conference of anthropologists at Pacific Lutheran University on March 12.

Last year the government denied the Samish Tribe's bid for recognition, and it looks as if none of the state's seven unrecognized tribes "have a chance in hell of making it," said Hansen.

The main recognition criteria require that a petitioning tribe establish a continuous Indian identity from historic times to present, furnish statements establishing the Indian group has had a continuous government-to-

government relationship with the United States, and the tribal membership is not made up of members of another United States Indian tribe.

Only about 300 of the 600 Indian tribes in the United States are on the federal government's recognition list.

### Colony opens printing plant

Phoenix, Az. - The Reno-Sparks Indian Colony has opened a full-service printing subsidiary, Sierra Press, in Sparks, NV. The Colony's four-color \$1.4 million 9-unit Atlas Web Leader press can produce tabloid magazines and newspapers, newspaper inserts, catalogs, coupon books and other materials on newsprint and book stock. The Colony raised \$2.5 million to fund the enterprise through private sector sale of certificates of participation coordinated by the Bank of New York, Dean Witter Reynolds, Inc., and the Valley Bank of Nevada. About 25 persons are employed at Sierra Press and another seven are trainees.

### IHS gets AIDS funds

(Washington, D.C.) Senator John McCain has offered an amendment to the U.S. Senate's \$685 million AIDS research and education bill which authorizes \$6.6 million to the Indian Health Service for AIDS education and prevention programs on Native American reservations and in urban Indian communities.

The amendment, which was necessary due to the original bill's language directing the agencies to allocate funds through state and local governments, will keep the Indian reservations and urban communities from being inadvertently excluded from the bill's benefits.

Specifically, the \$6.6 million would establish: a national AIDS information program for tribes; block grants to tribes and urban Indian organizations for prevention/education programs; health care provider training; funds to pay for home and community-based care for Indian people with AIDS; a long-term care demonstration project; and a research project to examine problems with IV drug usage.

McCain later said, "Native Americans are among the high risk groups with respect to the spread of AIDS, due in part to their alarmingly high rate of substance abuse. The 112 percent increase in Indian AIDS cases over the last 16 months bears this out. The reality



is that the threat of AIDS in small Indian communities is so great that entire tribes could be wiped out by the spread of this disease."

## Mankiller honored

Cherokee Chief Wilma Mankiller is among the 13 winners of the 1987 Women of the Year awards, according to a recent announcement in *Ms Magazine*. *Ms* Senior Editor Joanne Edgar said of the Women of the Year, "Behind their individual diversity is their common courage. The future belongs to these 13 women, and because of them, to all of us."

Mankiller is the first woman elected to principal chief of the Cherokee Nation.

## Treaty Beer in trouble

Cincinnati, Ohio - The second brewery to produce "Treaty Beer" for businessman and anti-treaty opponent Dean Crist may reconsider an agreement to make the beer, according to an interview with a Hudcwohl-Schoening official by WOJB-GM, Rserve, Wisconsin.

Treaty Beer is sold by Stop Treaty Abuse, (S.T.A.) an organization headed by Crist that has sold the beer "as ammunition in a publicity war he has launched against the Chippewa," according to the Associated Press.

Brewery officials denied taking sides in the treaty fishing issue and expressed surprise at the recent response to the announcement by S.T.A. that production of the beer would resume at the Ohio brewery. The beer had previously been brewed by Hibernia Brewery of Eau Claire, Wisconsin who stopped production after distributors were boycotted by customers on other mainline products, and distributors pleaded with the company to halt production.

Mike Healy, president of Hibernia, said "any brewery that got entangled in the treaty dispute might find itself in trouble."

Hibernia a small town brewery, recently sought financial reorganization from bankruptcy, citing in part the production of treaty beer.

Kenneth Lichtendahl, company spokesman indicated they were doing research into the issue at the present time and had been contacted by Great Lakes Indian Fish and Wildlife Commissioners, state officials, members of Protect American Rights and Resources (PARR) and members of Wisconsin clergy.

Lichtendahl said "We were not aware of the controversy or the polarization it has caused. It wasn't our can, it is not our label, and all we do is fill the can with beer."

Meanwhile, Wisconsin Greens co-convenor Dennis Boyer announced a boycott of the new producers of "Treaty Beer," and called upon the people of Cincinnati and neighboring areas to boycott products of the brewery.

Boyer said the Wisconsin Greens will "call upon peace, ecology, and social justice groups in the Ohio River Valley to boycott Hudcwohl-Schoening Brewery. The boycott is based upon one begun last year against Hibernia which stressed the connection between anti-treaty forces and racist incidents in Northern Wisconsin.

## Sohappys released

Washington, DC - Yakima elder David Sohapp Sr. was released from the Greiger Correctional Facility in Spokane on May 17, and his son David Sohapp Jr. was released May 18, said Senators Dan Evans (R-WA) and Daniel Inouye (D-HI).

Early releases were granted by the United States Parole Commission on March 17, for the two men who had been sentenced to five years in prison for federal convictions of illegally catching salmon from the Columbia River.

"I am delighted with the action of the Parole Commission," said Senator Dan Evans. "I think it was wrong for the Sohappys to be sent to federal prison in the first place to serve sentences for what essentially were violations of tribal law." The sentences given to the Sohappys were excessive, given the nature of their offenses, said Evans.

Earlier in March, US District Judge Jack Tanner refused to go along with a recommendation by the Justice Department that the Sohappys' sentences be reduced so they could be released immediately. Inouye, the chairman of the Senate Select Committee on Indian Affairs, stepped in, saying he would demand a Senate investigation of Tanner's decision if it was necessary. "I think any objective study of the case would show justice has not been served," commented Inouye on the five year sentence imposed on the Sohappys.

David Sohapp Sr., 62, was sentenced to 5 years for selling 317 fish to undercover federal agents who were conducting a 1981 and 1982 sting operation that became known as "Salmonscam." David Sohapp Jr., 29, was convicted of illegally selling 28 fish and was sentenced to five years in prison.

"I could sell heroin to a child and I would get less than three years," Inouye said. "I could burn down a house, I could sexually abuse a child and I'd get less than three years."

Inouye and Evans sent a letter to President Reagan in late March

protesting the imprisonment of the Sohappys, asking the President to commute their sentences. "Tragically, the Sohappys were caught in the middle of a struggle between the federal government and the Yakima Tribe that should not have taken place," Inouye said. "Indian tribes themselves have the greatest interest in the preservation of fishery resources. The Tribes should have primary responsibility to enforce fishery laws against Tribal members."

## Nominations sought

The American Indian Athletic Hall of Fame was incorporated in 1972 in the State of Kansas. The purpose, as stated in the Preamble:

"In the belief that the athletic achievements and sportsmanship of many American Indians stand as a tribute to the will and abilities of the athletes involved, and in the belief that these achievements stand also as an inspiration for young Indians seeking to develop rewarding and productive lives, this organization is founded to provide suitable recognition to these athletes and their achievements and to preserve permanent records of their attainments and memorabilia incident thereto for the Nation and Posterity".

Since 1972, 62 persons have been enshrined in the Hall of Fame. In addition to nationally renowned Indian athletes, there was a category of Honorary Members who had contributed much to the cause of Indian athletics; however, this category has since been abolished. The Board of Directors felt that recognition for these persons can be provided by other means and that enshrinement should be limited to deserving Indian athletes.

The Hall of Fame is presently located in Stidham Union on the campus of Haskell Indian Junior College with 62 plaques showing the athletes and describing their achievements. Each person enshrined is awarded a plaque, a ring and a video-taped interview is conducted as well as a video-tape of the enshrinement ceremony for a permanent record.

The qualifications for enshrinement are: (1) Be at least one-fourth degree American Indian or Native Alaskan blood, verified by the Board of Directors, (2) Have made a national impact in a sport approved by the Board of Directors; and (3) Have merited recognition and distinction, and, who by their exploits, accomplishments and activities in regard to sports and athletic events have brought fame and honor to himself or herself and Indian people.

Although 62 have been enshrined, the Board is aware that there are other Indian athletes deserving of consideration for

enshrinement. Any person wishing to make a nomination should request the nomination form by writing: Mr. Turner A. Cochran, Executive Director and Coordinator, Hall of Fame Executive Office, P.O. Box 1576, Lawrence, KS 66044.

Upon receipt of the request, the nomination form will be mailed promptly with appropriate instructions. All nominations will be given thorough and fair consideration by the Board for enshrinement.

## Investigation underway

Washington, DC - Congressional subpoena power and sworn testimony will be used to examine allegations of fraud and mismanagement of Indian monies and a failure to implement federal programs designed to improve reservation lifestyle according to reports published in the Minneapolis Star Tribune.

A special staff headed by counsel used by the Iran-Contra Committee is being hired and a budget of almost \$1 million dollars has been requested from the Senate Rules Committee for an investigation that it is believed will last over a year.

Senator Daniel Inouye, (D-Hawaii) chair of the Indian Affairs Select Committee says he considers the results of this investigation integral to the future relationship of the federal government and tribes.

"What we are about to investigate is nothing new," Inouye was quoted as saying. "These problems have been with us for decades, but all the previous hearings and investigations have been, at best, casual."

One of the main thrusts of the investigation will be the BIA's role as a natural resources trustee on Indian reservations. Newspaper investigations, one, a series by the Arizona Republic, have suggested that Indians are being denied billions of dollars in royalties that the BIA is supposed to collect from oil and gas companies doing business on the reservations.

The three-member investigation sub-committee will be headed by Sen. DeConcini (D-Ariz.), Sen. Thomas Daschle (D-S.D.), and John McCain (R-Ariz.).

Staff will research government and tribal records and take depositions from parties involved. The sub-committee will then hold hearings in Washington, D.C. and throughout the United States. DeConcini said he did not know how long the initial investigation will take.

Other areas the investigation will look into include the BIA's handling of tribal fisheries, water, timber, coal and grazing rights.

## From The Desk of Jim Young in response to questionnaire

Tribal Sovereignty and Decendancy Rolls are the two most important issues at the moment. I feel we must work together as a tribe to fulfill our potential as citizens - both of the Potawatomi Tribe and of the United States of America. We must remember our Indian heritage and educate our children so that someday they will be able to function in tribal affairs. We must listen to our Elders and take example from their lives and experiences. They know how it was and it is up to us to know how it will be. As a tribe, we must pass traditions on to the young and forge a new trail so that they may travel on an easier road.

When I am elected, I will do my best for my people. I will fight with a vengeance long instilled within me for what is right and good for the Potawatomi Tribe. I will listen to your cries of injustice because they have gone unanswered too long.

Together, for one man cannot work alone, we can make a difference - not only for ourselves but for our children and their children.

Many of you have asked about my lineage so I will briefly reply to your requests. I am a descendent of the George L. Young Sr. family. His son was George L. Young Jr. who built "Young's Crossing." My grandfather, (George Jr.'s son) is Merritt L. Young who is still living in Wichita, Kansas. And my father, Jim L. Young Sr. whom I love and respect greatly, lives in Oklahoma City.

**PLEASE RAISE YOUR VOICES IN UNISON ON JUNE 25TH AND REGISTER YOUR VOTE FOR OLD TRADITIONS ... YOUNG IDEAS.**

See You At The Pow Wow,

*Jim Young*

Jim Young

Vice Chairman Candidate

## Elect A Vice Chairman We Can Be Proud Of

*"...economic development for our tribe is important along with economic opportunity for tribal members..."*

*Jim Young*

**Honest Leadership with Integrity  
Elect**

**Vice Chairman**

# Jim Young

**Old Traditions - Young Ideas**

## Meet Jim Young

- Married with 4 children
- Attended East Central University
- Vice President Petro. Mgmt. Systems
- Nat'l. Assoc. of Business Economists
- President SW Optimist Club
- Vice President Okla. Coaches Assn.
- Nominee Outstanding Young Man in America

*"...my grandfather told me to always preserve and protect my Indian heritage because this is where this country's strength began..."*

*Jim Young*

**Old Traditions - Young Ideas**

**IT'S YOUR TRIBE - IT'S YOUR RESPONSIBILITY...  
VOTE JUNE 25!**



Jim Young, an active family man, shown here at play with his wife, Paula, and their four children, Matt, Jason, Adam and Sally.

# Elect Vice Chairman Jim Young

**Honest Leadership  
With Integrity**

## - QUESTIONNAIRE -

Your Opinion is important to me. Please take a few minutes to answer this questionnaire and return to: **Jim Young**

**2225 S.W. 70th  
OKC, OK 73159**

1. Do you support a change from Blood Degree Rolls to Decendancy Roll?

☐ YES ☐ NO ☐ NO OPINION

2. Do you support the tax exempt status for Indian sales from State Tax Laws?

☐ YES ☐ NO ☐ NO OPINION

3. Do you support spending Tribal Per Capita Moneys for Land Purchases?

☐ YES ☐ NO ☐ NO OPINION

4. Do you support spending money for Tribal Economic Development?

☐ YES ☐ NO ☐ NO OPINION

5. Rank in your order of preference:

- |   |   |
|---|---|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Decendancy Rolls |
| <input type="checkbox"/> Tribal Sovereignty   | <input type="checkbox"/> Tribal Bingo     |

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



# Sequoyah commemorated with silver medallion

(Cherokee, North Carolina) Robert Youngdeer, chairman of "The Friends of Sequoyah," has announced the non-profit organization's authorization of a silver medallion commemorating Sequoyah's development of the Cherokee alphabet.

Liberty Mint has been commissioned to produce the collector-piece which is 1 & 1/2 inches in diameter, cast of 99.9% silver content, and weighs one full ounce. The new silver piece is a replica of the medallion presented to Sequoyah by the General Council of the Cherokee Nation in 1825 for his ingenuity in the invention of the Cherokee written word.

The issuer of the Sequoyah medallion, "The Friends of Sequoyah," is a non-profit, tax exempt organization dedicated to the preservation of the history, culture, and heritage of the Cherokee people, which were among the first Native Americans. Among its many services, the association supports The Sequoyah Birthplace Museum in Vonore, Tennessee and The Museum of the Cherokee Indian in Cherokee, North Carolina. Robert Youngdeer is chairman; Tom Underwood and Tom Beutell serve as vice chairmen.

Minting of the silver piece honoring Sequoyah is one of the organization's efforts to perpetuate Cherokee tradition. The collector's piece - worth its weight in silver, attractively boxed, and including a brief history of Sequoyah - is expected to cost \$30 to \$40. Trade discounts for quantity purchases by numismatic dealers will be extended. A limited gold minting also will be made available.

"Sequoyah" was the Indian name of George Gist, the offspring of Nathaniel Gist, a white frontiersman, and his wife, the full blood daughter of a Cherokee chieftain. George Gist had an ankle impediment which forced him to walk with a limp. Because of this handicap, he was given the name of "Sequoyah," which loosely translated in the Cherokee language means "pig's foot."

The cripple's birth on Tellico Lake near Vonore, Tennessee was considered so insignificant that the date was not recorded, though it was thought to be 1776.

From this humble beginning, Sequoyah became one of the world's greatest literary geniuses through his creation of the 86-character Cherokee alphabet. The achievement was all the more

remarkable because Sequoyah is the only person in recorded history to devise a system of writing without knowledge of

another language. Though born half-white, he was unable to speak, read, or write English.

Sequoyah devoted approximately 20 years of his life to the development of the Cherokee alphabet, which actually is a syllabary. The 86 characters, or symbols, represent every sound in the Cherokee language. When symbols were exhausted, Sequoyah resorted to English letters found in Bibles and an occasional newspaper. He modified them by turning the letters in different directions and adding strokes and curlicues. Each was then assigned a Cherokee phonetic.

The Cherokee people believed the written speech of the white man to be an exclusive gift of The Great Spirit, and they scoffed at Sequoyah for his folly of trying to emulate it. However, bolstered by the confidence of having taught his own six year old daughter to read and write in just a few weeks, Sequoyah persisted in demonstrating to the leading men of the nation in 1821 that his invention was practical.

Within a short time, Sequoyah's people were able to read and write fluently. After this came books and publication of the first Indian language newspaper in history, *The Cherokee Phoenix*. Perhaps his alphabet's greatest contribution to Cherokee advancement was its enablement of a formally written constitution patterned after that of the United States.

Despite his genius and fame, Sequoyah (Sequoia in the west) left this world as obscurely as he entered it. He died alone and unattended near the Mexican village of San Fernand in 1843. Around his neck rested the medallion of tribute presented by the General Council of the Cherokee Nation 18 years earlier. This original medal serves as the source of the newly-minted Sequoyah silver piece offered to individual investors and collectors, as well as the numismatic trade, by "The Friends of Sequoyah."

The silver commemorative medallion has been authorized on the 150th Anniversary of the Cherokee's Trail of Tears, or The Removal, as it is often called. In 1838 approximately 16,000 Cherokees were "relocated" from their southeastern ancestral homelands to reservations in Oklahoma.

During the 800-mile, 6-month long forced migration mandated by

President Andrew Jackson, despite a Supreme Court ruling against such action, over 4,000 Cherokees - about one-fourth of the entire Cherokee Nation - lost their lives.

President Reagan has recently signed a bill designating the Trail of Tears, which winds through

nine states on its way to Oklahoma, a National Historic Trail in sad recollection of this tragic chapter in American history.

For more information on the organization or purchase of the

Sequoyah commemorative medallion, contact Vice Chairman Tom Underwood, "The Friends of Sequoyah," P.O. Box 124, Cherokee, NC 28719, (704) 497-2202.

## Summer pow wow agenda

- June 18 & 19 - Lansing Pow Wow - Lansing, MI; Sleepy Hollow State Park; sponsored by North American Indian Benefit Association of Lansing; contact Linda Van Lake 517/487-3585.
- June 24-26 - 15th Annual citizen Band Potawatomi Pow Wow - Shawnee, Oklahoma; contact Orval Kirk 405/964-3585.
- June 24 & 25 - Lumbee Pow Wow - Pembroke, North Carolina; contact Lumbee Regional Development Association 919/521-5602.
- June 25 & 26 - 11th Annual Traditional Great Lakes Area Pow Wow - Wilson, MI; sponsored by Hannahville, Indian Reservation, Route 1, Wilson, MI 49896; contact 906/466-2342.
- June 26 - 6th Annual Anishinabe Way - The Earth Pow Wow Grounds, Lac Courte Oreilles, Wisconsin (715) 634-4153
- July 1-3 - "Honor Mother Earth" Traditional Pow Wow - Sault Ste. Marie MI; Sault Ste. Marie Tribe of Chippewa Indians; contact Jole Robinette or Carolyn Van Mid 906/635-6535.
- July 1 - 4 - Oneida Performing Arts - Norbert Hill Center, Oneida, Wisconsin (414) 869-1260.
- July 1 - 4 - Fort Duschane Pow Wow - Fort Duschane, Utah
- July 15-17 - Walpole Island Pow Wow - Walpole Island, Ontario; host drum, Stony Park Singers from Marely, Alberta; Henry Green-crow Master of Ceremonies; plan to arrive early due to irregular ferry service; contact Glen or Evelyn Williams 519/627-6352.
- July 14 - 17 - 37th Annual Tulsa Pow Wow - Mohawk Park, Tulsa, Oklahoma (918) 227-2091
- July 15-17 - Lac Courte Oreilles "Honor the Earth" Pow Wow - Hayward, Wisconsin; contact 715/634-8924.
- July 20-24 - 10th Annual Keweenaw Bay Traditional & Spiritual Conference and Pow Wow - Barage, MI; Ojibway Campgrounds, U.S. 41; contact Don La Pointe 906/353-6623.
- July 28-31 - Winnebago Pow Wow - Winnebago, Nebraska; Winnebago Veteran's Park; contact 402/471-2757.
- July 29-31 - 1st Annual Mission Creek Pow Wow - Mission Creek Frontier Village, Hinckley, Minnesota (612) 384-7600
- August 4 - 7 - Menominee Nation Pow Wow - Woodland Bowl, Keshena, Wisconsin (715) 799-3341
- August 5-8 - 28th Annual Wikwemikong Indian Days Pow Wow - Manitoulin Island, Ontario; contact Gary Manitowabi 707/859-3122.
- August 6 & 7 - Little Elk's 4th Annual Retreat Pow Wow - Mt. Pleasant, MI; Saginaw Chippewa Campgrounds, 7525 Tomah; Contact 517/772-5700.
- August 11-14 - Omaha Pow Wow - Omaha, Nebraska; contact 402/837-5391.
- August 13 & 14 - Lac Vieux Desert Pow Wow - Watersmeet, MI; contact Delores Williams 906/358-4271 or 358-4106.
- August 13-14 - Leonard J. Pamp Memorial, 10 1/2 mi. rd. on M60, Burlington, MI; 517/372-6177.
- August 20 & 21 - American Indian Council 6th Annual Pow Wow - Lebanon, Indiana; Boone County 4-H Grounds located between Indianapolis and Lafayette (Lebanon), just off I-65 at the 138 exit; contact Nancy Malatterre 317/482-3315.
- September 1 - Michigan Commission on Indian Affairs Meeting - Burt Lake Tribal Grounds, Burt Lake, MI, 9:30 a.m. - 4 p.m., Community invited, traditional noon meal, for more information contact: 517/373-0654.
- September 9-11 - American Indian Ethnic Festival - Milwaukee, Wisconsin; competition pow wow, talent contest, bingo, Native foods, traditional crafts, vendor areas, cultural displays and Indian Village; entertainers will be Charlie Hill, Billy Mills, Joanne Shenadoah and other; contact Jennelle Klumb 414/258-7005.
- September 11 & 12 - 27th Annual Grand Valley American Indian Lodge Pow Wow - Grand Rapids, MI; Comstock Riverside Park on N. Monroe Avenue; contact Ed Gillis 616/361-5380.
- September 24 & 25 - 5th Annual "Honor our Heritage" Pow Wow - Mt. Morris, MI; sponsored by Genesee Indian Center and Genesee County Indian Education Committee; E.A. Cumings Center, 6130 E. Mt. Morris Road; contact Jenny Smith 313/239-6621.

## For the record

### Business Committee Minutes - March 30, 1988

**Present:** Chairman John Barrett, Secretary Bob Davis, Committeemen Francis Levier and Hilton Melot, Director of Accounting Carolyn Givens, Economic Development Director Bob Shapiro, Tribal Rolls Director Ava DeLeon, Recording Secretary Pat Sulcer, Enterprise Director Jerry Motley, Operations Manager Bob Dunning; Guest: Jim Young.

Chairman Barrett called the meeting to order at 5:55 p.m.

Bob Davis moved to approve the minutes of the March 9 Business Committee meeting as read. Francis Levier seconded; passed 4-0.

Two bids were received by Title VI after twice advertising for the purchase of a van for the elderly feeding program. Harvey's GMC in Shawnee received approval for the van purchase. Francis Levier moved to approve Potawatomi Resolution #88-59 approving purchase of a Title VI van from Harvey's GMC for \$16,830.

Hilton Melot moved to approve Potawatomi Resolution #88-60 appointing John Barrett and Francis Levier as tribal representatives to United Indian Tribes of Western Oklahoma and Kansas and naming Hilton Melot and Bob Davis as alternate representatives. Francis Levier seconded; passed 4-0.

After revisions of the draft set-aside budget for 1988 Hilton Melot moved to approve Resolution #88-61 establishing a set aside budget to go to referendum in the 1988 June election. Bob Davis seconded; passed 4-0.

Francis Levier moved to approve Resolution #88-62 "adopting the position that the tribe will conduct its own emergency planning and community right-to-know committee" and naming administrative and community members as representatives to the committee. Bob Davis seconded; passed 4-0.

After discussion Bob Davis moved to approve Resolution #88-63 hiring Washington attorney Nate Burgerbest of the Doyle and Savit firm to contact and solicit congressional support for the tribe's constitutional amendment concerning descendency enrollment criteria, placing a \$2500 cap on administrative activities and a total \$5000 cap for administrative remedy up to date of trial. Francis Levier seconded; approved 4-0.

Committee consensus was to turn down a "settlement" offer from EMCI submitted by the bingo firm after Judge Alley's ruling that federal court did not have jurisdiction over the tribe.

Francis Levier moved to approve Resolution #88-64 accepting six (6) qualified applicants for tribal enrollment. Hilton Melot seconded; passed 4-0.

Francis Levier will be seeking a replacement for the tribal princess who has moved out of state.

Committee recessed at 8:15 p.m.

Committee reconvened at 8:25 p.m. for Executive Session.

Committee adjourned at 10:00 p.m.

### Citizen Band Potawatomi Tribe Business Committee Minutes April 28, 1988

**Present:** Chairman John Barrett, Secretary Bob Davis, Committeemen Hilton Melot and Francis Levier, Accounting Director Carolyn Givens, Operations Manager Bob Dunning, Enterprise Director Jerry Motley, Recording Secretary Pat Sulcer-Barrett, GSA Insurance representatives Joan Perry and Jim McClure, Rolls Director Ava DeLeon.

Chairman John Barrett called the meeting to order at 6:30 p.m.

Bob Davis moved to approve the minutes of the March 30th meeting with one amendment. Francis Levier seconded; passed 4-0.

After extensive discussion on the tribal self-insurance program through GSA, Francis Levier moved to amend the tribe's policy to incorporate a \$100 plus 20 percent deductible on dental benefits as well as a \$5 deductible on prescriptions. Effective May 1, employees carrying family dental only (without family medical) will be disallowed from the program. Hilton Melot seconded; passed 4-0.

Francis Levier moved to advance the tribe's Money Market fund to the Health Insurance Fund upon maturity. Hilton Melot seconded; passed 4-0.

Bob Davis moved to approve Public Affairs Fund monies to the Potawatomi Softball Team in the amounts of: \$110 for equipment; \$130 shirts; \$500 for tournament registrations. The softball team consistently places top in the state and donates its trophies to the tribe. Hilton Melot seconded; motion passed 4-0.

After discussion, John Barrett moved to approve Potawatomi Resolution #88-65 accepting five applicants for tribal enrollment. Francis Levier seconded; passed 4-0.

Hilton Melot moved to name 15 year-old tribal member Janet Coffey of Norman as the 1988 Potawatomi Tribal and Pow Wow Princess. Bob Davis seconded; passed 4-0.

Francis Levier moved to allocate \$500 in Public Affairs money for the tribal princess' costume and travel expenses. Bob Davis seconded; passed 4-0.

Francis Levier moved to approve Potawatomi Resolution 88-66 recog-

nizing tribal member Richard Bright of McLoud High School for his selection as a national participant in an alcoholism and substance abuse conference and allocating \$65 for his expenses. John Barrett seconded; passed 4-0.

Francis Levier moved to approve Potawatomi Resolution #88-67 requesting a Department of Education Library Grant. Hilton Melot seconded; passed 4-0.

After discussion, Francis Levier moved to approve purchase of two XT computers to be utilized by the enterprise accountant and payroll clerk and \$4,000 for payroll software for the IBM-36. Purchases are authorized from the tribe's ANA grant. Hilton Melot seconded; passed 4-0.

Francis Levier moved to adopt an amendment to the Tribal Criminal Code prohibiting gun sales at the Swap Meet, carrying a gun without a permit, or carrying a dangerous weapon on tribal premises and establishing a fine of not less than \$250 and not more than \$1,000 and/or imprisonment up to one year and/or banishment for not less than three years. Hilton Melot seconded; passed 4-0. The ordinance is not applicable to law enforcement representatives.

Business Committee went into Executive Session at 9:27 p.m.

Meeting adjourned at 11 p.m.

### Special Business Committee - May 20, 1988

**Present:** John Barrett, Francis Levier, Hilton Melot by phone, Bob Davis by phone.

After discussion John Barrett moved to approve Potawatomi Resolution #88-68 "Guaranteeing the renovation loan of Mission Hill Hospital and providing for purchase and loan repayment." Bob Davis seconded the motion; passed 4-0. The guarantee for \$1.5 million in renovation and improvements to the hospital is backed by the tribe's option to purchase in event of default. A quit-claim deed exists providing for the tribe to take possession of the property the hospital sits on in event Mission Hill ever ceases to remain in public ownership and operation.

## Fire Lake pro named

The Citizen Band Potawatomi Tribe is pleased to announce the appointment of John Lair to the position of golf pro and manager of Fire Lake Golf Course.

Mr. Lair is a 1976 graduate of Cameron University where he majored in agronomy and turf management. Lair is also a member of the Professional Golfers Association of America (PGA) and is a graduate of their business school. His professional experience includes stints at Quail Creek Golf and Country Club in Oklahoma City, Lawton Country Club, White Mountain Golf Course in Rock Springs, Wyoming and, most recently, Caddo County Golf and Country Club. Mr. Lair is married and has three children.

Fire Lake Golf Course, Potawatomi County's only public course, is an 18 hole course and

offers a full service operation, including snack bar, pro shop and driving range. Hours of operation are from dawn till dusk seven days a week. According to Lair, Fire Lake recently replaced all rental carts and has established the following play rates: \$7 green fee; "Twilight" rates after 4:30 p.m. on weekdays - \$3.50; Senior rate before 11 a.m. weekdays - \$3.00 and cart rental for 18 holes is \$13. Corporate rate packages are also available.

Persons interested in private or group lessons or in joining Fire Lake's Mens or Womens Golf Associations may contact Mr. Lair at Fire Lake at (405) 275-4471.

Fire Lake Golf Course is located on Gordon Cooper Drive south of Shawnee and across the street from Mission Hill Hospital.

## General Council Agenda June 25, 1988

7	Call To Order
7-2	On-Site Voting
3-5	Business meeting
5	Free meal at pow wow grounds

## Scrapbook

## Kansas kin

INDIAN BURIAL RECORDS OF THE ST. MARY'S MISSION, 1838-1849  
NEAR CENTERVILLE, LINN COUNTY, KANSAS

The following register of burials records the Potawatomi buried at the Kansas Sugar Creek community and St. Mary's Mission. Most tribal members will find they have ancestors buried at the Kansas sites. The records were kept by the Catholic Church and many of the names were recorded phonetically so may not reflect the correct spellings.

## REGISTER OF BURIALS

1838

The following burials have been near the river Pottawatomie commonly called Sugar Creek. Written by Rev. Father Hoecken; no cemetery started.

Month of November

Daughter of Medjokwis, age 4 years  
Wife of Wisa, age 18 years  
Monissenokwe, age 36 years  
Weties, wife of Nethokano, age 50 years  
Petekot, 80  
Menissoi, 70  
Daughter of Towoiket, age 7 years  
Son of Towoiket, age 7 years

Month of December

Wonchikwe, wife of Cuizo, age 70 years

1839

Month of February, 1839

Pierre Menissenonosi, age 26 years  
Ietchikiketo, age 40 years

In the month of March, 1839, the faithful struggled to build a burial ground near the river commonly called Sugar Creek, where a cemetery could be formed and a register of burials would be started.

BURIED IN THE CEMETERY OF THE MISSION OF SAINT MARY  
NEAR SUGAR CREEK

1. April 26. Buried was Pierre Menissenonosi. He received all the sacraments before dying at the age of 26.
2. Maryanne, daughter of Jerome Moky and Mary Metasi, died at the age of 4 years and was buried.
3. May 16. Semoke, married to Basekemokwe, was buried; died at the age of 50 years.
4. May 21. Joseph Ouiskosse, was buried at the age of 70 years.
5. June 23, Paul Kamenosckwe was buried; died at the age of 70. Received the sacraments of the anointing of the dead.
6. June 23. Joannes C. Burnet was buried at the age of 26. She received all the sacraments of the anointing of the dead.
7. June 27. The infant Petri Louic was buried, living scarcely one day.
8. July 12. Angelique Anemetla Kone was buried at the age of nearly 100. Fortified by all the sacraments of the sick.
9. August 6. Mary Inoemig was buried at the age of 50 fortified by all the sacraments.
- September 2. Marie Pittanockwe, wife of Waassessuck, died at the age of 40 and was buried in private a short distance from Sugar Creek (not numbered in the burial record)
10. Sept. 5. Angelique Pakesinokwe, wife of Kioniin, was buried at the age of about 19 in the cemetery of the Saint Mary's Mission without the ceremonies of the sacrament.
11. Sept. 8. Angelique Kognis, age 6, daughter of Numaakiskuk, has been buried.
12. Sept. 9. Francis Regis, son of Conje (deceased) and wife Elizabeth Actessakwe, has been buried.
13. Sept. 12. March Ajasi, son of Kionum and Pakesinokwe, has died at the age of about one month.
14. Sept. 13. Elizabeth Actesseakwe, wife of Conje (deceased spouse) has died at the age of about 22 and has been buried after receiving all the sacraments.
15. Sept. 18. Anne, 6 months old, daughter of Louis Noaksi and Mary Anne Pocta, has been buried.
16. Sept. 20. Marianne, 5 days old, daughter of Joseph Oshkinaw and Mary Mennetokwe, was buried without ceremonies as the priest was sick.
17. Sept. 28. Jacques Kikaosh, one-half year old, son of Jean Wanowe and Marie Onocatchikwe, has been buried.
18. Oct. 14. Pierre, son of Louis Ioway and Josette Siemo, about one year

old, has died.

19. Oct. 24. Marie, 4 years old, daughter of Metchiso and Hulekuis, has been buried.
20. Nov. 4. Augustin, 5 days old, son of Pierre Onakesi and Marie Anne Kansakwe, has been buried.
21. Nov. 4. Joseph, about one year old, son of Pierre Jondekone and Mary Kitcunn, has been buried.
22. Nov. 20. Gregoire, three months old, son of Antoine Insashae and Mary Pejouwakwe, has been buried.
23. Dec. 4. Magdaline Wissonokwe, 9 years old, daughter of Joseph Makeshoa and Josette Kessokwe, has been buried.
24. Dec. 21. Maryanne Josett, four months old, daughter of Al-tme and Kiepkikwe, has been buried.

1840

25. Jan. 1. Kwee, about 60 years old, has been buried, fortified by the sacraments.
26. January 4. Josette Annekokothwe, about 18 years old, married to David Marlin, has been buried.
27. January 27. Marie Wapesumsekwa, born December 30, 1839, daughter of Francis Aiashi and Josette Katssimikwa, has been buried.
28. January 28. John Bourassa, three years old, son of De Bourassa and Theotis Pitange, has been buried.
29. February 5. Josette Tiemo, about 25, wife of Louis Aiowe, has been buried.
30. February 20. Kionum, about 30 years old, has been buried, fortified by all the sacraments and anointed.
31. February 28. David Bourassa, about 85, died yesterday and was buried fortified by all the sacraments.
32. March 20. Rose Missagikwe, born January 2, 1840, daughter of Joseph Suckisha and Mary Kweskwokwe, has been buried.
33. March 21. Nissowakwit, about 40, was buried after being anointed and receiving all the sacraments.
34. March 26. Pierre Nennaw-so-ka, three years old, son of Fatshma and Nagishkokwe, has been buried.
35. April 24, 1840. Joseph Po-memo, 16-year-old son of Michuak, has been buried. Baptized before death.
36. April 25. Michaak, age 60 years, has been buried. Baptized before his death.
37. May 1, 1840. Agathe Kwesaapi, age 30 years, wife of J.B. Nissikeosi, has been buried fortified by all the sacraments.
38. May 2, 1840. Suppiet, age 40, born in the Kickapoo tribe, age 23 years, has been buried.
39. May 10, 1840. Paul Jekebamsse, age 23 years, has been buried after receiving all the sacraments.
40. May 17, 1840. Marie Possihiome, born January 23, 1840, daughter of J.B. Nissikeosi and Agathe Kwesoagu, deceased, has been buried.
41. May 17, 1840. Ignace Kitchine, born one day, son of James Menob and Maryanne Naatje, has been buried.
42. May 31, 1840. Ignatius Bertrand, born May 17 this year, son of Louis Bertrand and Marianne Ashshoc, has been buried.
43. June 1, 1840. Agathe Jawsikwe, age about 90, has been buried fortified by all the sacraments.
44. June 14, 1840. Therese Kebishkokwe, about 30, daughter of Joseph Makishoa and wife of Michel Michessineshois, has been buried, fortified by all the sacraments.
45. July 15, 1840. Francis Kavienaiowe, half-year old, son of Louis Aiowe and Josette Siemo, has been buried.
46. July 22, 1840. Marie, born April 10, 1840, daughter of Ma Chewoika and Marcelline W. Nissenokwe, has been buried.
47. August 10, 1840. Theoti Pisange, wife of deceased Daniel Bourassa, age 70, has been buried fortified by all the sacraments.
48. August 14, 1840. Francis Xavier Nanakwe, son of J.B. Wekemakaso and Marieanne Misseko, has been buried.
49. August 15, 1840. Joseph Maniemmukishuk, age 35, has been buried fortified by all the sacraments.
50. August 15, 1840. Julie Teshwe, age 40, wife of Pierre Louis Confapow, has been buried.
51. August 23, 1840. Louis Chapekuk, about one year old, son of Joseph Chapekuk and Marguerite Jehiba, has been buried.
52. August 26, 1840. Bernard Pipinowa, age 60, (having confessed his sins) has been buried.
53. August 29, 1840. Joseph, born January 12 of this year, son of Pierre Tchikhawe and Marie Tchikummikwe, has been buried.
54. September 1, 1840. Joseph Jokipa lived about one year, son Lakemet

*Continued, next page*



# Kansas kin *(continued from page 11)*

and Mosatum.

55. September 1, 1840. Marie Wawakwe, age 34, wife of Louis Enossa or Richard [sic], has been buried fortified by all the sacraments.

56. September 5, 1840. Cecile Wapekenikwe, born March 12 this year, daughter of J.B. Pemsshia and Marie Wemtckokjikwe, has been buried.

57. September 11, 1840. Jacques (James) Ashkum, age about 70, chief of the Wabash Potawatomie, has been buried fortified by all the sacraments.

58. September 13, 1840. Barbe Ekaat, 2 years old, daughter of Francis Nama Koshuk and Marie Ouiwatso, has been buried.

59. October 11, 1840. Madeline Warkemikeso, widow, died the ninth of this month, age about 60, received the sacraments of the anointing of the sick.

60. October 18, 1840. Marie Wapisummokwe, born September 27 this year, daughter of Francis Ashkwe and Angelique Mketekeneke, has been buried.

61. October 20, 1840. Cecile Papi, one year old, daughter of Papi and Mapenemesikwe, has been buried.

62. October 27, 1840. Paul Mosabennah, age 10 years, died yesterday, the son of J.B. Ochikenekwe and Madeline Peasockwe.

63. October 28, 1840. J.B. Tchetekakoas, age two years, died this morning, the son of Pierre Ookegen and Marie Matowa.

64. November 4, 1840. Michel Atebeoakwe Wapenummet, about two years old, has been buried, the son of Elizabeth Atebeukwa, wife of Tchickwes, deceased.

65. November 7, 1840. Ignace Ashkum, born October 30 this year, the son of Louis Askinnewe and Catherine M. Dose, has been buried.

66. November 8, 1840. Winkumma, age about 40, has been buried fortified by all the sacraments.

67. November 12, 1840. Joseph Wekine, age about 35, has been buried fortified by all the sacraments.

68. November 17, 1840. Marguerite Ashwengekwe, age about 14, daughter of Joseph Noecota and Marie Sakakamoon, has been buried. Died on the 15th of this month fortified with all the sacraments.

69. November 19, 1840. Marie Sagasekwe, three years old, the daughter of Marthe Misshubshikwe, has been buried.

70. November 21, 1840. Pierre Jakin, age 70, chief of the Pottawatomie tribe, has been buried after receiving all the sacraments of the church.

71. November 21, 1840. Joseph Burnett, age 4, son of John Burnett (deceased) and Marie Apitenibenakwe, has been buried.

72. November 25, 1840. J.B. Wabekekick, husband of Lelosepima, age 30, has been buried after receiving the sacraments of the church. Died yesterday.

73. November 30, 1840. Agatha Kitchimikwe, age 40, died on the 28th of this month, fortified by all the sacraments.

74. November 30, 1840. Marie Osaki, born and died on the 28th of this month, the daughter of Francis Xavier Osaki and Agathe Kitchimikwe, who died at the infant's birth.

75. December 2, 1840. Marie Apetemibenekwe, widow of Francis Burnett, age about 40, has been buried fortified by all the sacraments.

76. December 10, 1840. Angelica Nanatouakwe, age about 50, has been buried. The priest was absent.

77. December 17, 1840. Joseph Numkie, born October 28 of this year, the son of Joseph Numkie and Angelique Tosekwa.

78. December 18, 1840. Antoine Wemiko, age 22, has been buried after baptism in the field and receiving other sacraments.

79. December 22, 1840. Felicite Truckie, 8 years old, daughter of Joseph Truckie and Marieanne Krieta, has been buried fortified by all the sacraments.

Fifty-five burials during 1840.

## 1841

80. January 2, 1841. Nile Makishora, age 18, son of Therese Miko, has been buried after receiving the sacraments.

81. January 16, 1841. Josephine Stanislas Wawiaolshulenokwe, wife of J.B. Makishora Wakakashuk, has been buried. Age 40.

82. January 20, 1841. Elisabeth Pimeta, widow, daughter of Josette Hewen, about 50 years old, has been buried.

83. January 21, 1841. Angelique N. Doki, wife of Pierre Michewoes, age about 35, has been buried.

84. January 22, 1841. Pierre Kicki, age 4, son of Spetto (deceased) and Magdeline Nonnoekwe, has been buried.

85. January 25, 1841. Josette Mettie, age 2, born of parents deceased after her birth, died in the home of Mjokurix and has been buried.

86. February 10, 1841. Marie Maatjoae, age 3 years, daughter of deceased T. Wekine and Marieanne Oketshis, has been buried. Died today.

87. February 11, 1841. Joseph Osanekuuh, about 35 years old, has been buried in a private area. He was baptized January 23 of this year.

88. February 26, 1841. Francis Regis M. Damen, age 30, died yesterday and has been buried after being fortified by all the sacraments.

89. February 26, 1841. Joseph Mendoabi, age 50, died yesterday and has been buried fortified by all the sacraments.

90. February 28, 1841. Joseph Tokawakit, age 40, died yesterday fortified by all the sacraments.

91. March 4, 1841. Michel Otuppis, commonly called Mechippene Shouas, age about 35, has been buried fortified by all the sacraments.

92. March 10, 1841. Marie Mamie, age 60, died yesterday and was buried fortified by all the sacraments.

93. March 10, 1841. Tchietic, age about 25, has died after receiving all the sacraments and is buried in a private field.

94. March 21, 1841. Madeline Peasockwe, age 50, wife of J.B. Tchickenekwe, has been buried fortified by all the sacraments.

95. March 24, 1841. Ignace Sheano, born the 18th of this month, the son of J.B. Sheano and Therese Tchisapa, has been buried.

96. March 24, 1841. Theresa Papukma, daughter of Pierre Papukma and Elizabeth Miussenakwe, has been buried.

97. March 18, 1841. Okisha, about 12 years old, son of Kukadet and Therese, has been buried fortified by all the sacraments.

98. March 29, 1841. Illegible.

99. March 30, 1841. Bernard Kenekusujis, age 2, son of Adelaide Osawa, has been buried.

100. April 12, 1841. Benite Westoabe, age 16, wife of J.B. Neshikkeosi, has been buried fortified by all the sacraments.

101. April 15, 1841. Alexis Menomenie, age about 50, has been buried fortified by all the sacraments.

102. April 22, 1841. Josette Weshipukkwe, age 17, has been buried fortified by all the sacraments.

103. April 25, 1841. Jean (John) Neshjikkeosi, age 2, son of Tepukkenenme and Quisaoapi, has been buried.

104. May 2, 1841. Marieanne Mirankwe, age 13, daughter of B. Pashpoho and Anee Kipemekino, has been buried fortified with all the sacraments.

105. May 8, 1841. Julie Mangokwe, age 30, wife of Pieno, has been buried fortified by all the sacraments.

106. May 8, 1841. Antoine Diskobinishick, age 12, son of F.R. Vemadin and Catherine Okchibi, has been buried fortified by all the sacraments.

107. May 3, 1841. Alexis Nunkwesshux, age 40, has been buried after receiving all the sacraments.

108. May 16, 1841. Gucshkiona, age 50, has been buried fortified by all the sacraments.

109. Angelique Jimeta, age 11, daughter of Argibque Aidutekwe, was buried on May 26, 1841.

110. May 31, 1841. Joseph Naokie, son of Joseph Naokie and Marie Sakakamoon, has been buried.

111. June 9, 1841. Melanie Segokwe, age 5, daughter of deceased Queshkona, has been buried.

112. June 12, 1841. Pierre Kaamnosekwe, age 50, has been buried after receiving all the sacraments.

113. Jerome Wawieki, age 40, died yesterday after receiving all the sacraments and has been buried.

114. June 15, 1841. Marie Wawassemokine, age 22, wife of J.B. Mekishen, died yesterday after receiving all the sacraments and has been buried.

115. June 16, 1841. Adelaide Osawa, about 25 years old, wife of Pierre Wasicsit, died yesterday after receiving all the sacraments.

116. July 1, 1841. Joseph Papowawi, about 6 years old, born of deceased parents, died yesterday and has been buried.

117. July 2, 1841. Etienne Kenawi, born January 10, 1841, son of Francis Kenawi and Angelique A. Kone, died yesterday and has been buried.

118. July 12, 1841. Francis de H. Meske, born May 10, 1841, son of J.B. Meske and Cecile Saasji, died today and has been buried.

119. July 17, 1841. Joseph Osakinukijuke, age 14, son of M. Maria, died yesterday after receiving the sacraments.

120. July 18, 1841. Lucx Shakeme, an orphan, age 15, died yesterday and has been buried.

121. July 23, 1841. Joseph Sekomek, born in the month of September, 1840, son of Basile Ekonebit Peshitto and Marieanne Sekwi, has been buried.

122. July 26, 1841. Antoine Leport, about 30 years old, has been buried fortified by all the sacraments.

123. August 12, 1841. Kimta, about 40 years old, wife of Methuppeshon, has been buried. Died the 11th of this month fortified by all the sacraments.

124. August 17, 1841. Marie Craadin, age two and one half years, daughter of Kakekewa and Marie Matis, died yesterday and has been buried.

125. August 21, 1841. Kupkukkwe, age 6 years, daughter of Mienko and Marie Penawe, died today and has been buried.

126. August 25, 1841. Joseph Wissiamo, about 17 years old, the son of

Elizabeth Waketchi, died yesterday and has been buried fortified by all the sacraments.

127. September 3, 1841. Edward Menokwon, about 10 years old, son of Kwekwi, died yesterday and has been buried fortified by all the sacraments.

128. September 4, 1841. Marie Tatis, age seven years, daughter of J.B. Tatis and Josette Wawakwe, has been buried fortified by all the sacraments.

129. September 7, 1841. Ignatius Nukkuassshuh, about one year old, the son of Mosick, died today and has been buried.

130. September 8, 1841. Marie Messinebikwe, one year old, the daughter of J.B. Misshagbo and Josette Mhamie, died today and has been buried.

131. September 21, 1841. The daughter of Fipokki, one year old, died yesterday.

132. September 21, 1841. Jawkwe, age about 50 years, died today.

133. September 25, 1841. Maria Achowa, age 50 years, died yesterday and has been buried to which I attest.

134. September 25, 1841. Gekoska, son of Zizia, age 20 years, died yesterday and has been buried to which I attest.

135. September 27, 1841. Angelina Otchikwi, age 30 years, was buried yesterday to which I attest.

136. October 5, 1841. Lucie, two months old, daughter of Joseph Suckisha and Marieanne Kweshonokwe, has been buried to which I attest.

137. Same day: Antoine, four years old, son of Otchikwa, died today and has been buried.

138. Same day: J.B. Meshuk, two years old, son of Marie Nanckina, died yesterday and has been buried.

139. October 7, 1841. Genevieve, daughter of P. Totakine, one year old, died today and was buried.

140. October 11, 1841. Marie Medaza, age 12 years, daughter of (blank) has been buried fortified by all the sacraments.

141. Josette Minoerta, daughter of Ottane, age 16 years, died yesterday, October 12, and has been buried fortified by all the sacraments.

142. October 18. Francis Kebeshkamokwe, widow about 50 years old, died yesterday and has been buried.

143. October 19. Kwaki, son of Lisotte and Nakwechik, age 2 years, died today and has been buried.

144. October 19. Marie Anne, daughter of Somnipennim and Nenokwis, age two years, died today and has been buried.

145. October 21. Paul Ponis, son of Joseph Ponich and Theresa Wawassimokwe, age 6 months, died yesterday and has been buried.

146. November 6. Marie, age about 80 years, died yesterday and has been buried.

147. November 12. Marie Sennimokwe, age about 90 years, died yesterday and has been buried fortified by all the sacraments.

148. November 30, 1841. Josette Wapenukkwe, age about 60 years, died yesterday and has been buried.

149. December 28, 1841. Marie Tchikwe-Suk, age about 17 years, died the 26th of this month and has been buried fortified by all the sacraments.

150. December 30, 1841. Marie Mi-tosekwe, about 30 years old, wife of Joseph Magenit, died the 28th of this month and has been buried fortified by all the sacraments.

*72 burials during 1841.*

#### 1842

1. January 8, 1842. Pierre Shosewencomkie, born July 11, 1841, son of Joseph Showencomkie and Ashockishkokwe, died yesterday.

2. February 1842. Quickopicokwe, age 22 years, died January 30 and has been buried fortified by all the sacraments.

3. The 1st of February 1842. Mock-kwekwe, age 22 years, wife of Shikwi, died yesterday and has been buried fortified by all the sacraments.

4. February 9, 1842. Joseph Otchickikwekwe, age 17 years, parents deceased, died yesterday and has been buried.

5. February 9, 1842. J.B. Pemsaa, born November 23, 1841, son of Louis Pemsaa and Theresa Nanaswae, has been buried.

6. February 12, 1842. Therese Nanaswae, age 16 years, wife of Louis Pamsaa, died today and has been buried fortified by all the sacraments.

7. February 2. Theresa Mikisa, age about 26 years, has been buried fortified by all the sacraments.

8. February 25. Louis (Ouizo), son of Nanakwe and Pinechiano, age seven years, has been buried fortified by all the sacraments.

9. February 27, 1842. Marie Pekaotchnokwe, age about 18 years, wife of Joseph Ekamo, died yesterday and was buried fortified by all the sacraments.

10. March 3, 1842. Ignatius, 5 years old, the son of Ayowekwe, died yesterday and has been buried.

11. March 5, 1842. Joseph Pimochuk, age 17 years, died yesterday and has been buried fortified by all the sacraments.

12. March 6, 1842. Ferdinand Konajenne, age 17, (parents deceased) died yesterday and has been buried fortified by all the sacraments.

13. March 10, 1842. Joseph Shauwenumkie, age about 20 years, son of Peter Shauwenakwaa and Agathe Woshemikikwe, died the eighth of this month and has been buried and fortified by all the sacraments.

14. March 13, 1842. Marieanne Pekishnokwe, 11 years old, the daughter of Joseph Tokwakit (deceased) and Angelica Tenemabanekwe, died yesterday and was buried fortified by all the sacraments.

15. March 15, 1842. Angelica Miachimich, 35 years old, wife of Otauwach, died the 13th of this month and was buried fortified by all the sacraments.]

16. March 18, 1842. Marieanne Piewake, 22 years old, wife of Joannis Pernani, died yesterday and has been buried fortified by all the sacraments.

17. 21 March, 1842. Magdaline, 9 years old, daughter of Kitchikikito, deceased, died yesterday and has been buried fortified by all the sacraments.

18. April 10, 1842. Monique, daughter of Cgma Meiowika and Marcelle Mnissonokwe, two days old, died today and has been buried.

19. April 23, 1842. Josette, commonly called Lesette, age 16 years, daughter of Joseph Mixabi and Elis. Shwenuro, died the 21st of this month and has been buried fortified by all the sacraments.

20. April 24, 1842. Therese, born December 25, 1841, daughter of Joseph Okummas and Marianne Waatchki, died yesterday and has been buried.

21.

21. May 3, 1842. Thecle, born April 30 this year, the daughter of Francis Kiokum and Marie Wapeniesikwe, died yesterday and has been buried.

22. May 11, 1842. Antonius Newtchemo, about 16 years old, son of Angelique Mixoamuse, died the ninth of this month and has been buried fortified by all the sacraments.

23. May 15, 1842. Frances Wapenokwe, age 10 years, daughter of Josephine S. Wawiaatenakwe, deceased, died yesterday and has been buried fortified by all the sacraments.

24. May 17, 1842. Marianna Ambie, age 55 years, died yesterday and has been buried fortified by all the sacraments..

25. May 17, 1842. Angelica Nipa, age 8, the daughter of Maria Totokwe, died yesterday and has been buried fortified by all the sacraments.

26. May 17, 1842. Elisabeth Peshe, age 4, daughter of Ignatius Massuk and Angelica Paansukkenum, died yesterday and has been buried.

27. May 20, 1842. Bendict Okummach, about 50, died yesterday and has been buried fortified by all the sacraments.

28. May 23, 1842. Maria Osagikwe, 18 years old, wife of Petris M. Komde, died the 21st of this month and has been buried fortified by all the sacraments.

29. May 23, 1842. Maria Wapeniesikwe, 28 years old, the wife of Francis Keokum, died yesterday and has been buried fortified by all the sacraments.

30. May 26, Joseph Ottowas, born February 12, 1842, son of Pauli Ottowas and Angelica Machimic, deceased, died yesterday and has been buried.

31. May 38, 1842. Louis Koon-ja, about 25 years old, son of Josephine Wassehimokwe, father deceased, died yesterday and has been buried fortified by all the sacraments.

32. June 3, 1842. Elisabetha Kokolen, wife of Joseph Hisjop, died yesterday and has been buried fortified by all the sacraments.

33. June 22, 1842. Angelique Lisette, 13 years old, daughter of Maria Anna Meoss and Andrea Gassolin, died the day before yesterday and has been buried fortified by all the sacraments.

34. July 2, 1842. Elisabeth Wakotchi, died yesterday and has been buried fortified by all the sacraments.

35. July 13, 1842. Therese Niko, age 60 years, died yesterday and was buried fortified by all the sacraments.

36. July 15, 1842. Marie Mikogwe, age about 60, wife of Fchisakin, died July 13 and has been buried.

37. July 16, 1842. Petrus Onakosi, son of Okinnikoch, 30 years old, died yesterday and has been buried fortified by all the sacraments.

38. July 22, 1842. Jean B. Mikiahosich, ten years old, died yesterday and was buried.

39. July 23, 1842. Cicile, three months old, daughter of Tekisi, died yesterday and was buried.

40. July 24, 1842. Marianna Summatuk, 7 years old, daughter of Eskipoknamkwe, died yesterday and was buried fortified by all the sacraments.

41. July 26, 1842. Theresia, about two years old, died yesterday and was buried.

NOTE: 65 died from the month of September to July 28, inclusive.

42. August 3, 1842. Marie Anne Tipickki, five years old, died yesterday and was buried.

43. August 5, 1842. Francis Regis Pimatwi, 40 years old, died today and was buried fortified by all the sacraments.

44. August 10, 1842. Francis Hensad, son of Lautentakiks and Magdalene

*Continued, next page*

# Kansas kin (from page 13)

Kitcho, died yesterday and was buried fortified by all the sacraments.

45. August 14, 1842. Ignatius Otchitchak, born July 24, 1842, son of J.B. Mesko and Cecilia Fawifi, died yesterday and was buried.

46. August 22, 1842. Petrus Onaatisc, 20 years old, died yesterday and was buried fortified by all the sacraments.

47. August 28, 1842. Infant Jois Tondakomi, born March 30, 1842, son of Petri Tondatomi and Maria Kiteni, died yesterday and has been buried.

48. Sept. 8, 1842. Josephus Morlin, age 30 years, died yesterday and was buried fortified by all the sacraments.

49. September 14, 1842. Theresa Oawasemokwe, 25 years old, wife of Joseph Ponis, died yesterday and was buried fortified by all the sacraments.

50. October 3, 1842. Angelique Fumkabakwe, age two years, daughter of Rosalia Kipakichkokwe, died yesterday and was buried.

51. October 7, 1842. Paula Pachpaho, daughter of Benjamin Pachpaho and Anna Kipowekwe born the preceding July 2nd, died yesterday and has been buried.

52. October 7, 1842. John, 12 days old, son M-Kikokook and Senasikwe, died yesterday and has been buried.

53. October 8, 1842. Joseph Shukisha, age 40, died yesterday and has been buried fortified by all the sacraments.

54. October 13, 1842. Angelica Pachtaa, 50 years old, died yesterday and has been buried fortified by all the sacraments.

55. October 9, 1842. The son of Schoe Im and Martha Wpamisinakwe, born the preceding October 4, died this preceding October 8 and has been buried.

56. October 19, 1842. Maria Olemooskiaak, wife of Abraham Burnet, died yesterday and has been buried fortified by all the sacraments.

57. 1842. The son of Pekaske and Achokapoikwe has been buried.

58. December 22, 1842. Basile Tshitte Ekanebit, 40 years old, died December 20 and has been buried fortified by all the sacraments.

59. December 23, 1842. Angelica Mitwoiska, daughter of Ketchekikito, deceased, died yesterday and has been buried fortified by all the sacraments.

60. December 23, 1842. Ignace Kisis, born January 13, 1842, son of Louis Kisis and Magdalene Ketjo, died December 21 and has been buried.

61. December 25, 1842. Paulus, born in December son of Gabrielis Numkie, died yesterday and has been buried.

## 1843

1. January 2, 1843. Christine Oumokwa, age three years, daughter of Petri Katat and Margerite Kichuokwe, died yesterday and has been buried.

2. Agnes Wawassamokwi, widow, 40 years old, died yesterday and has been buried fortified by all the sacraments.

3. January 17, 1843. Etienne Seketo, age two years, son of Francis Regis Pemodisi and Catherine Ohitshi, has been buried.

4. January 20, 1843. Monica Kataat, five years of age, daughter of Petri Kataat and Margarita Kishnokwe, died yesterday and has been buried.

5. January 20, 1843. Thersia Tchickwes, age one year, daughter of Louis Tchicksbes and Elisabeth Atebemkwe, died yesterday and has been buried.

6. January 21, 1843. Lucianus Onockse, 22 years old, has been buried fortified by all the sacraments.

7. January 26, 1843. John the Baptist, born October 8, 1840, son of Francis Senbannum and Angelique Nanakwois, died and has been buried.

(The preceding burial records have been translated by Ola May Earnest; Anne Mary Crawford has translated the following records.)

## RECORD OF BURIALS AT ST. MARY'S MISSION

8. January 26, 1843. Maria Nazishhokwe, 35 years old, wife of Joseph Aatshma, died yesterday and has been buried.

9. Jan. 29, 1843. Theresa Watuswi, 13 years old, the daughter of Joseph Ostinnanis and Maria Manitutuni, died yesterday and has been buried fortified by all the sacraments.

10. January 30, 1843. Auhoinay, about three months old, the son of Jean Aatshmon and Maria Naigisk Nokwis, died yesterday and has been buried.

11. February 8, 1843. Vincent, born January 22, 1843, son of Simjewskiuk and Elis, Onnpiki, died yesterday and has been buried.

12. February 13, 1843. Catherine Lawshokwe, three years old, daughter of Get. Mendosibi and Maria Ashoc, died yesterday and has been buried.

13. February 21, 1843. Maria, four years old, daughter of Ambrose Ganashun and Maria Monutiue, died yesterday and has been buried.

14. February 27, 1843. Anton Wisawute 20 years old, died yesterday and

has been buried protected by all the sacraments.

15. March 5, 1843. Elizabeth Cettokwe, 35 years old, wife of J.B. Tshick-enebuhc, died yesterday and has been buried protected by all the sacraments.

16. March 19. Chemas, seven months old, the son of Waibakasi and Josephine Atiba, died yesterday and has been buried.

17. March 25, 1843. Joseph Wabisos, son of Joseph Golowexhit and Ang. Genennabinnakwe, died yesterday and has been buried fortified by all the sacraments.

18. March 29, 1843. Jacob Manab, 30 years old, died yesterday and has been buried fortified by all the sacraments.

19. April 3, 1843. Joseph Weshison, commonly called Osaki, 40 years old, died yesterday and has been buried fortified by all the sacraments.

20. Theresia Minakwe, 40 years old, died yesterday and has been buried fortified by all the sacraments.

21. April 7, 1843. Stephen, born March 20, 1843, the son of Peter Eromum Tipton and Maria Josette, died yesterday and has been buried.

22. April 20, 1843. Louis Monebatan, 15 years old, son of Joseph Oaken-nawc and Marie Manitoskwe, died yesterday and has been buried fortified by all the sacraments.

23. May 1, 1843. Maria Anna Kawaesa, wife of L. Honeyakosi, 40 years old, died from crowded breath (diphtheria?) and has been buried.

24. Aloysius Tihitehaan, 9 years old, son of Joseph Shapsnun and Marguerita Tehibo, suddenly died yesterday and has been buried.

25. May 11, 1843. Maria Wahood, 19 years old, daughter of Ohiniesh, died yesterday and has been buried fortified by all the sacraments.

26. May 13, 1843. Marie Anne Tewata, daughter of Louis Robanite and Marie Ann Tiveta, died yesterday and has been buried.

27. May 21, 1843. Jountri Fremuntaine, born the 15th of this month, the son of Tynacoorotihauca and Maria Jubali, died yesterday and has been buried.

28. May 22, 1843. Angelique Subfuessa, ten and a half years old, the daughter of Enheinard Jesse and Agatha Einbi, died yesterday and has been buried.

29. June 14, 1843. Pierre, many years old, son of Shakapi and Marie Potawatomie, died yesterday and has been buried.

30. June 14, 1843. John Baptiste, born May 8, son of Jacques Wenimak and Marguerita Mennoosnokwe, died yesterday and has been buried.

31. Catherina Washuonnewo, four years old, daughter of Archangelo Anwopinio, died yesterday and has been buried.

32. July 3, 1843. Louis Shetudone, 10 years old, son of Otihippoes, parents deceased, died yesterday and has been buried fortified by all the sacraments.

33. July 8, 1843. Louis Paskinnawe, 25 years old, died July 3 and has been buried fortified by all the sacraments.

34. Angelica Mishkavie, 25 years old, died yesterday and has been buried fortified by all the sacraments.

35. July 11, 1843. John Baptiste Wasneto, 20 years old, died yesterday and has been buried fortified by all the sacraments.

36. July 19, 1843. Maria Hutskunshuie, 20 years old, wife of Gutri-atshitshaunn, died yesterday and has been buried fortified by all the sacraments.

37. July 19, 1843. Marie, 11 years old, daughter of Joseph Wagonis and Maria Mitoschure, died yesterday and has been buried.

38. July 24. Francis Shperink, son of Joseph Matishori, died yesterday and has been buried fortified by all the sacraments.

39. August 2, 1843. Petris Wapimimi, son of M.A. Moankev, died yesterday and has been buried protected by all the sacraments.

40. July 31, 1843. Benjamin Pachpaho died two days ago and has been buried fortified by all the sacraments.

41. August 7, 1843. Elisabeth Hibinskan, orphan, died today and has been buried fortified by all the sacraments.

42. August 10. Maria, born on this day in 1842, daughter of Petra Gat and Agatha Kive Kwis, died yesterday and has been buried.

43. August 11, 1843. Paul, two years old, son of Ambrose Pakochuk and Man Moankwe, died today and has been buried.

44. On the same day Patrus Julius Kastkimo and Michlowe died and have been buried.

45. August 15, 1843. Francis, born August 3, son of F. Namavensnun and Maria Piusvatso, died yesterday and has been buried.

46. Augsline Mexature, wife of Petro Shashakwe, died yesterday and has been buried fortified by all the sacraments.

47. August 26, 1843. Jean, daughter of Igom Poenuchuk and Augustus O Saniamy, died yesterday and has been buried.

*Continued in the next HowNikan*



# *Citizen Band Potawatomi Days*

June 24, 25, & 26, 1988

Potawatomi Tribal Grounds • Shawnee, Oklahoma

## ***15th Annual Pow Wow***

*Friday 5 p.m. Saturday and Sunday 1 p.m. (Contest 7 p.m.)*

*Food • Crafts • Campgrounds*

*Northern, Southern & Gourd Dance Drums*

## ***2nd Annual Firelake Indian Golf Tournament***

*\$45 Men & Women Includes 2 Days of Golf With Green Fees, Meal, Prizes and  
More! Must Show Degree Certificate of Indian Blood*

*Friday: 4-Person Scramble - \$10 plus \$7 green fee 10 a.m.*

### ***• Bingo***

### ***• Horseshoe Tournament***

*(Register 7 a.m., Saturday, June 25, Play at 8 a.m.)*

### ***• Museum and Trading Post Specials***

*(Woody Crumbo Exhibit)*

### ***• Potawatomi Tribal Election***

*(Voting Saturday, 7 a.m.-2 p.m.)*

### ***• Potawatomi General Council***

*(Saturday 3-5 p.m.)*

### ***• Free Pow Wow Meal***

*(Saturday 5 p.m.)*

### ***For More Information On:***

**Pow Wow - Orval Kirk (405) 964-3585**

**RV Spaces or Concessions - Mary Farrell (405) 275-3121**

**Golf Tournament - Truman Kaskuske (405) 275-2310 or John Lair (405) 275-4471**

**Museum & Trading Post - B.J. Rowe (405) 275-3121**



# The City of Tecumseh

Phone 405-598-2188

114 N. BROADWAY, TECUMSEH, OKLAHOMA 74873

## P R O C L A M A T I O N

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF TECUMSEH, OKLAHOMA, RECOGNIZING "CITIZEN BAND POTAWATOMI DAYS".

WHEREAS, On June 24th, 25th, and 26th the residents of Tecumseh and the surrounding area will be privileged to enjoy the 15th annual "CITIZEN BAND POTAWATOMI DAYS"; and

WHEREAS, For 15 years the Citizen Band Potawatomi Tribe has sponsored this activity that the whole community can enjoy, for the purpose of providing American Indian Culture for the benefit of the entire community; and

WHEREAS, The dedication exhibited by this tribe in supplying such practical assistance to the history of their people, exemplifies the highest ideals of their nation;

NOW THEREFORE, I, David J. Qualls, Mayor of Tecumseh, Oklahoma, do hereby proclaim the days of June 24th, 25th and 26th to be "CITIZEN BAND POTAWATOMI DAYS", urging all citizens to join me in commending the people of this nation for sponsoring this activity annually, and to participate in these cultural events, knowing that your support will strengthen the ties between the residents of Tecumseh and the people of the Potawatomi Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of June, 1988.

  
MAYOR

ATTEST:

  
CITY CLERK



# THE FOUR-YEAR POTAWATOMI BINGO BATTLE

(The Citizen Band Potawatomi Tribe's continuing battle with Enterprise Management Consultants, Inc. (EMCI) for control of the tribal bingo hall goes on. The tribe recently filed a motion requesting that the Honorable Luther Bohanon disqualify himself from sitting as trial judge in the case for the reason that his impartiality might reasonably be questioned. In an effort to explain the complicated history behind the ongoing conflict with EMCI, the HowNiKan has decided to run the entire brief filed in support of the tribe's most recent motion.)

## BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR DISQUALIFICATION

(In the case of United States of America ex. rel. The Citizen Band Potawatomi Indian Tribe of Oklahoma vs. Enterprise Management Consultants, Inc.)

The dispute between the plaintiff and the defendant has been in litigation off and on for more than four years. It has resulted in three separate lawsuits, two petitions for writs of prohibition and countless motions. This enormously expensive and time-wasting litigation cannot possibly be justified by the very simple and uncontroverted issues at stake, to-wit: (1) Can an Indian tribe be sued by a private corporation absent consent to suit?<sup>21</sup> and (2) Is a bingo management agreement between an Indian tribe and a private corporation which has not been endorsed with the Secretary of the Interior's approval null and void under 25 U.S.C. 81?

In retrospect, this marathon litigation evaded a speedy and fair resolution when the original suit was transferred to Judge Luther Bohanon who proceeded to exercise jurisdiction over an Indian tribe, jurisdiction that he later, in essence, acknowledged he did not have. The result of all this litigation is to allow the defendant EMCI to take literally millions of dollars from the plaintiff's bingo game for the last four years under a void contract. The effect, if not the design, of the Court's sometimes conflicting orders in these suits has been to force the tribe to continue to deal with people the tribe believes are unethical and have robbed the tribe of millions of dollars. What has led the tribe to seek recusal (disqualification of Judge Bohanon) is Judge Bohanon's own knowledge from the bench of his prejudice. A reasonable person might have inferred this lack of impartiality from the following condensed history of this dispute.

### EMCI's First Suit

On April 9, 1984, Enterprise Management Consultants, Inc. (EMCI), the defendants in this case, brought an action to enjoin the tribe from interfering with a bingo game operated by EMCI on tribal grounds under a 1982 management agreement. EMCI v. Citizen Band Potawatomi Indians of Oklahoma (hereafter "EMCI I"), No. CIV-84-900-B (Apr. 9, 1984, U.S. dist. Ct., W.D. Okl.) (complaint). The case was originally assigned to Judge Eubanks, and for reasons that do not appear of record, was subsequently transferred to Judge Luther L. Bohanon. EMCI I (Apr. 27, 1984) (order).

On May 3, Judge Bohanon conducted a hearing on EMCI's request for a temporary restraining order. After the hearing, the Court directed the tribe to meet with EMCI at 10 a.m. on May 19, in an attempt to resolve the dispute between the parties. The parties were to report back to the court at 9:30 a.m. on May 21. Following the May 19th meeting, EMCI resumed operating bingo games on tribal land for a period of sixty days.

During this 60-day period, the parties took their dispute to the Court of Indian Offenses (CFR Court) which assumed jurisdiction on December 7 of the dispute between the tribe and EMCI. [citation] Upon being advised of the CFR Court's decision, Judge Bohanon ruled that the order of the CFR Court assuming jurisdiction was "erroneous and beyond the authority of that Court". EMCI I (Jan. 10, 1985) (order, p. 8).

Judge Bohanon also denied the tribe's motions to dismiss for lack of jurisdiction and for summary judgment based on 25 U.S.C. 81. EMCI I, supra (Jan. 10, 1985) (order). Section 81 states that certain contracts with Indian tribes not approved by the Secretary of the Interior are null and void. Although promising the parties from the bench that the order denying summary judgment would be immediately appealable, the Court subsequently determined and stated in an order that such an appeal should not be allowed because "it remains the fact that the Court has heard only part of the plaintiff's [EMCI] evidence and not any of the defendant's [tribe's]." Id. at 14 (emphasis added). The order further stated that the parties would have to continue under the temporary agreement reached in May of 1984.

The Court's wrongful exercise of jurisdiction over the tribe and the one-sided temporary order forced the tribe to sign a second management agreement with EMCI (1985 management agreement) and EMCI dismissed its suit with prejudice. EMCI I, supra (Apr. 19, 1985) (dismissal).



### The Tribe's Suit

When EMCI refused to follow the April 7, 1986, BIA guidelines on bingo management contracts, the tribe filed this suit May 27, 1986, seeking, *inter alia*, a declaration that the 1985 management agreement was null and void because not approved by the Department of Interior and/or the Bureau of Indian Affairs. To date, EMCI has refused to vacate the tribal premises and has continued to conduct bingo games—more or less—under the terms of the void 1985 management agreement.

On June 10, EMCI filed an "Application for Leave of Court to Deposit Money Into Court" seeking permission to deposit monies EMCI owed the tribe with the Court Clerk. These monies were what EMCI owed the tribe as rentals under a business lease and as "head tax" and for concessions under the 1985 management agreement. After a hearing on July 15th, EMCI's motion was granted. Citizen Band Potawatomi Indian Tribe of Oklahoma v. Enterprise Management Consultants, Inc. (hereafter "Tribe I"), No. CIV-86-1171-B (May 27, 1986, U.S. Dist. Ct., W.D. Okl.) (transcript of proceedings had on the 15th day of July, 1986, p. 17). The effect of the July 15th order was to deprive the tribe of the use of monies (approximately \$50,000 a month) which were not in dispute while EMCI had full use of all disputed monies.

On July 29th, the tribe asked for reconsideration of the order that EMCI deposit the tribe's money with the Clerk. In the alternative, the tribe asked that the Court certify any adverse ruling for an interlocutory appeal.

On October 3, the tribe supplemented its motion to reconsider notifying the Court that the monies EMCI had deposited with the Court now exceeded the amount prayed for in EMCI's counter-claim. In the alternative, the tribe asked the Court to modify the July 15th order so that all amounts in excess of EMCI's prayer be immediately distributed to the tribe.

On November 19, when no action had been taken on the tribe's motions to reconsider, for partial summary judgment, and to dismiss the counter-claim, the tribe sought extraordinary relief with the United States Court of Appeals for the Tenth Circuit. Citizen Band Potawatomi Indian Tribe of Oklahoma v. Honorable Luther Bohanon, No. 86-2698 (Nov. 19, 1986, U.S. Court of Appeals, Tenth Cir.) (petition for writ of prohibition and/or writ of mandamus).

The day after this petition was mailed for filing, the Court scheduled all pending motions for a hearing on December 1. During oral argument on December 1, the Court indicated that all of the tribe's motions were well-taken, and that EMCI's motions would be denied. Even though the Court agreed that no material factual disputes existed concerning the tribe's pending motion for partial summary judgment and the law was clear that the tribe was entitled to relief, the Court took the motion under advisement and established a trial date for April 6th. After the Court's rulings, the tribe dismissed its petition for writ filed with the Tenth Circuit.

The Court's December 1st oral rulings from the bench were memorialized in written orders filed December 3rd. With one exception, these written orders were consistent with the rulings from the bench. The one

*Continued, next page*



# Bingo (from page 17)

exception was an unrelated, extraneous addendum to the order granting the tribe's motion for reconsideration and concerned a matter not addressed during oral argument. The Court ordered:

1. That the plaintiff and the defendant, either jointly or individually, submit the 1985 management agreement for approval to the appropriate individuals within the Department of Interior, namely the Area Director and the Interior Department Deputy Assistant Secretary for Indian Affairs, within ten (10) days.

Tribes I (Dec. 3, 1986) (order granting plaintiff's motion to reconsider court's order of July 15, 1986).

Further, the Court ordered the BIA<sup>2</sup> to either approve or disapprove the management agreement within 60 days of receipt of the contract.

This portion of the Court's order was irreconcilably in conflict with and repugnant to the Court's other rulings including: (a) the order dismissing for lack of jurisdiction EMCI's counter-claim seeking specific performance of the provision in the 1985 management agreement requiring the parties to submit the agreement to the BIA; and (b) the Court's acknowledgement during oral argument that the U.S. was not a party to the action because not properly served with summons. In other words, after holding that the Court had no jurisdiction over EMCI's counter-claim for specific performance of the 1985 management agreement, the Court then essentially granted EMCI specific performance without hearing evidence or argument. The tribe filed a motion for clarification which is still pending. Tribes I (Dec. 12, 1986) (plaintiff's motion for clarification).

Thereafter EMCI submitted the 1985 management agreement to the BIA which refused to approve it. The BIA said the 1985 management agreement violated at least thirteen BIA Guidelines, was not in the tribe's best interest, and was not submitted to the BIA by the tribe. Tribes I (Feb. 17, 1987) (supplement to plaintiff's motion for partial summary judgment, exhibit A).

Just prior to the pretrial conference, EMCI asked the Court to stay all proceedings while EMCI took an administrative appeal of the BIA's refusal to approve the 1985 management agreement. The tribe responded to EMCI's request for stay by presenting the Court with substantial evidence that the principals<sup>3</sup> in EMCI were weekly depleting EMCI's assets, that no assets would be available should the tribe be entitled to damages, and that the principals were netting in excess of \$1 million per annum from the bingo operation.

When the case came on for pretrial on March 13, 1987, the Court struck the case from the April 7th trial docket, refused to rule on the tribe's motion for partial summary judgment and said that all pending motions would be decided on April 6th.

At the April 6th hearing, the Court heard testimony from Leroy Wheeler and John Caldwell.. (the principals in EMCI) that they had personal debts of approximately \$150,000 each which might be jeopardized if EMCI was required to deposit the bingo profits into Court while the proceedings were stayed. These personal debts had been created nearly

five years earlier. Despite the massive sums of money that Caldwell and Wheeler subsequently reaped from the tribe's bingo operation, they had essentially not reduced any of this debt. EMCI had extinguished all of its debts to Caldwell and Wheeler. This testimony about the personal finances of the two non-parties was irrelevant to EMCI's stay motion. Nevertheless, the Court then entered an order declining to rule, once again, on the tribe's pending motion for partial summary judgment, granting EMCI's request for a stay and denying the tribe's request that EMCI be ordered to deposit money into the Court and/or be enjoined from disbursing any money to Caldwell or Wheeler pending the stay. Tribes I (Apr. 17, 1987) (order).

On April 22, the tribe filed a second petition for writ of mandamus in the United States Court of Appeals for the Tenth Circuit. On July 9, after ordering that a response to the tribe's petition be filed on behalf of this Court, the Tenth Circuit denied the application for a writ. Citizen Band Potawatomi Indian Tribe of Oklahoma v. Honorable Luther Bohanon, No. 87-1532 (Apr. 22, 1987, U.S. Court of Appeals, Tenth Cir.) (petition for writ of prohibition and/or writ of mandamus).

On October 13, the Department of Interior - Bureau of Indian Affairs upheld the BIA Area Agency's refusal to approve the 1985 management agreement. The tribe promptly notified the Court of the ruling. On October 20th, the Court reopened the case which had been administratively closed and the stay order was vacated.

## EMCI's Second Suit

On December 14, EMCI filed a complaint in Federal District Court for the Western District of Oklahoma. See Enterprise Management Consultants, Inc. v. United States of America, ex rel. (hereafter "EMCI II"). No. CIV-87-2464A. This case was routinely assigned to Judge Wayne Alley. On December 22, EMCI moved to consolidate and/or transfer this suit to Judge Bohanon.

On January 14, 1988, the Court considered again the tribe's motion for partial summary judgment and for sanctions against EMCI for filing a new action when the issues and parties were already before this Court. The Court also considered EMCI's motion to consolidate. The Court refused to

consolidate the case because it might undertake the new case with "prejudice". The Court also denied the tribe's motion for partial summary judgment as premature and again stayed any action in this case until Judge Alley decided the second case between the parties. Tribes I (Jan. 19, 1988) (order).

On January 20, Judge Alley, accepting this Court's characterization that the issues in the second case were different from those currently pending before Judge Bohanon, denied EMCI's motion to consolidate or transfer.

On March 28, Judge Alley granted the tribe's motion to dismiss and dismissed the tribe from EMCI's second suit stating it had no jurisdiction over the tribe. EMCI II (Mar. 28, 1988) (order).

## Argument and Authorities

Plaintiff submits that the Honorable Luther Bohanon should disqualify himself pursuant to 28 U.S.C. 455(a) from further participation in this case because his impartiality might reasonably be questioned under all of the circumstances surrounding this case most particularly including statements made at the January 14th hearing.

"I'm also inclined to say that this case shall be stayed until Judge Alley, and I'm not going to take Judge Alley's case, I'll tell you right now, this is a separate issue which concerns me; if I take it, why, I might be prejudiced in the very beginning."

*Reporter's Transcript of Hearing on Plaintiff's Motion for Partial Summary Judgment*, p. 33 (Jan. 14, 1988) (emphasis added).

With these statements, Judge Bohanon refused to accept consolidation of EMCI II now pending before Judge Alley. The tribe has subsequently been dismissed from EMCI II. Judge Alley is currently considering whether to dismiss the entire case for lack of jurisdiction, and whether to grant EMCI's renewed motion to transfer the case to Judge Bohanon. If EMCI II is transferred to Judge Bohanon and he is consistent with his prior actions, he will refuse to rule and attempt to force a settlement. This is not just an inference from the previous history, but is reflected in Judge Bohanon's own statement:

"...I think it's time to, under the circumstances, just to let Alley hear the problem that you have and determine what should be done about it and then when he's done what he's done or it's a final judgment, then the Court will reundertake to supervise and do something that's fair for both the tribe and the management company."

*Id.* at 34 (emphasis added).

The Court's statement, along with the Court's actions during the four years of litigation between these parties, clearly raises a reasonable question as to the Court's impartiality. The Court has stated that it might be prejudiced in the case now before Judge Alley which is nothing more than an appeal of an administrative action wrongfully instituted by Judge Bohanon's unlawful order.

28 U.S.C. 455 provides in pertinent part as follows:

(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

In the Western District of Oklahoma, the statutory standard for disqualification of a judge set out in 455 is self-enforcing on the part of the judge and may also be asserted by a party to the action by means of motion in the trial court. United States v. Davidson, 482 F.Supp. 827, 829 (W.D. Okl. 1979). While 455 (b) (1) requires recusal if the judge "has a personal bias or prejudice concerning a party", 455 (a) "requires recusal merely if the circumstances are such that a judge's impartiality might be reasonably questioned". United States v. Hinds, 696 F.2d 722, 728 (10th Cir. 1982).

The central issue in the present lawsuit is whether a valid bingo management contract exists between plaintiff and defendant. Under 25 U.S.C. 81, a valid contract is one approved by the Department of Interior and/or the Bureau of Indian Affairs. If such approval is not secured, the contract is null and void.

While a person reviewing the four-year history of actions taken by the Court might reasonably question Judge Bohanon's impartiality, the Court resolved any doubt as to the appearance of impartiality during the January 14th hearing.

From the inception of the dispute between the parties, this Court has consistently demonstrated the appearance of a bias or prejudice against Indians in general, against the Potawatomis in particular, and in favor of EMCI. While bias naturally and appropriately arises in any litigation from the evidence, Judge Bohanon has candidly and accurately acknowledged that his biases are unshakable and were formed without hearing any evidence from the tribe.

## a. May 3, 1984 Court Hearing.

"It does neither side any good to continue a useless legal battle when the plaintiff [EMCI] has acted at all times in good faith. I find that from this evidence, and I don't think there will be any evidence to the contrary." [Approximately nine months later the judge would file an order which contained, *inter alia*, a statement that he had only heard plaintiff's evidence to that date and had heard no evidence from defendant tribe.]

# Bingo (from page 18)

*Id.*, at 5.

"[T]he plaintiff [EMCI] is either in an operation without any harassment and without any trouble from anyone, whether you agree some way, somehow to bail the plaintiff out. He is not to be treated as you [the tribe] have been treating him. I don't think anything could change my mind about that.

He [EMCI] started in here in good faith. He has worked in good faith. He has put in a lot of money in good faith, believing that they had something good for themselves and believing that they had something good for the Potawatomi Tribe. Now then just when its gets—the balls gets started rolling, somebody [the tribe] gets jealous and greedy and both jealousy and being greedy is a bad thing."

*Id.*, at 11 (emphasis added).

"You have got a man here investing nearly half a million dollars, and you go over there and shut him down. That's no way to do. And there is a right way and a wrong way; there is fair way and a just way."

*Id.*, at 18.

"Well, I am strongly inclined to reduce - to enter an order of temporary injunction and move that stuff out and turn this property back to this plaintiff [EMCI]. He spent too much money to be treated this way. This is an unfair way to treat anybody. I don't care if he's Iranian. No way to treat anybody, take their property from him and lock the doors and put in a bulldozer there and he spent all that money in good faith believing that he had a business and paying everything that he is supposed to pay and letting you count the money that he gets as he gets it. I think—I don't think there is anything unfair about what plaintiff [EMCI] has done here at all."

*Id.*, at 21-22.

"But the defendant [tribe] can't go ahead and treat this plaintiff [EMCI] like you are treating him. He is entitled to better treatment for his good faith in spending all this money and doing all of this work and trying to build a business. I find that the plaintiff [EMCI] has acted in good faith up until now. I am not deciding this case, of course."

*Id.*, at 26 (emphasis added).

"I worked with Indians a lot, and they are a wonderful people, but sometimes they have you...you have to be patient with them; and they must learn to be patient with their problems."

*Id.*, at 4.

b. January 8, 1985, Court Hearing.

"Well, what you [the tribe] did, you told them [EMCI] down there that the contract they had wasn't worth anymore than the paper it was written on. These people spent half a million dollars up for this bingo thing."

*Id.*, at 20.

"Well, you talk about the bonds by the plaintiff, under all the circumstances the bond should be made by the tribe for what you've done."

*Id.*, at 26-27

MR. PARKER (then tribal attorney): You are telling us we can't have our property back, are you not?

THE COURT: Well, you can't deny somebody else when you've given them a lease or a license to have property.

MR. PARKER: You're saying a sovereign can't do that?

THE COURT: I'm saying the Potawatomi Indians can't in this case, yes. c. "Order" (Jan. 10, 1985).

It remains a fact that the Court has heard only part of plaintiff's evidence and not any of defendant's (the tribe.)

"However, it is not comprehensible to this Court that, as may or may not be in fact the case here, the tribe may lure a non-tribal investor to make a substantial investment on its property and then lock the investor out, 'nationalizing,' so to speak, the investment, and attempt to hide this barefaced theft behind a claim of sovereign immunity."

*Id.*, at 11-12.

d. July 15, 1986, Court Hearing.

"..But then the Bureau of Indian Affairs has been grossly abusive in this case in the past. They won't approve the agreement. They've spent a half million dollars or more building this thing down there, and now the tribe through the Bureau of Indian Affairs wants to cheat them out of it?"

*Id.*, at 18.

"...Why did you agree to seek Bureau of Indian Affairs approval? ...Is that honest, when you say you will and you didn't? Isn't that being honest with it?"

*Id.*, at 20.

"Now, I find that you didn't do, that is, the tribe didn't do what they said they would do, or the Bureau of Indian Affairs didn't do what they were supposed to do."

*Id.*, at 22.

e. December 1, 1986, Court Hearing.

"..I'm saying, also, that I have my doubts as to what I can do, if anything, other than follow the dictates of Title 25, Section 81, so forth..

But it seems to be somewhat of a question of fact of who is then operating in bad faith, who has not been operating in good faith, whether

or not the Bureau of Indian Affairs has arbitrarily refused to consider the agreement, whether—well, it boils down to whether or not there has been an abuse of discretionary rights of the Bureau of Indian Affairs or the

Department of Interior in not approving, after having approved, the operation that spent all the money, did all the things for the tribe, and now, then—I don't know just where the rights between the parties fall."

*Id.*, at 50.

f. April 6, 1987, Court Hearing.

"I've always felt like that a bird in hand is worth two in the bush. And if the Potawatomis are getting what they are reasonably entitled to, it's better than getting nothing. From the evidence I've heard, I do not think they're getting cheated. But for the work of Wheeler and Caldwell, I doubt that the evidence now before the Court—I doubt that they'd [the tribe] be as well off as they are now with what's going on."

*Id.*, at 100.

g. January 14, 1988, Court Hearing.

"...I think this is a matter that I've struggled with now since 1984 and I haven't been able to—to '86, that is, I haven't been able to get anything done and from this hearing today I don't think I can ever get anything done. I don't think I can get the parties together and work out a fair agreement, the blood's too thick or too hot or too something for you to consider the rights of each party. That being true, I think it's time to, under all the circumstances, just to let Alley hear the problem that you have and determine what should be done about it and then when he's done what he's done or it's a final judgment, then the Court will reundertake the supervise and do something that's fair for both the tribe and the management company."

Anyone hearing the Court utter these statements could reasonably question the lack of an appearance of impartiality. One could reasonably infer that the Court has determined, and is inflexible, that EMCI has, at all times, acted in good faith, that Indians are different from other people, and that the tribe is attempting to steal from or cheat EMCI.

Under 455(a), the judge has a continuing duty to ask himself what a reasonable person knowing all of the relevant facts would think about his impartiality. United States v. Hinds, *supra* p. 728. If a reasonable factual basis exists for doubting the judge's impartiality, he should disqualify himself. Crider v. Keohane, 484 F.Supp. 13 (W.D. Okl. 1979); Hinds, *supra*, p. 728. Again, in determining whether a judge should recuse himself under 455(a), the issue is not whether the judge is impartial in fact, but rather, whether a reasonable man might question the judge's impartiality under all of the circumstances. United States v. Ligax, 605 F.2d 507, 511 (10th Cir. 1979); see Potashnick v. Port City Construction Co., 609 F.2d 1101, 1111 (5th Cir. 1980), *cert. denied* 449 U.S. 820 (holding that a judge faced with a motion for disqualification under 455(a) "ought to consider how his participation in a given case looks to the average man on the street [and] disqualification should follow if the reasonable man, were he to know all of the circumstances, would harbor doubts about the judge's impartiality.")

## Conclusion

It is clear from Judge Bohanon's remarks from the bench at the January 14th hearing and from his remarks in nearly every previous court proceeding involving this dispute that he has left the appearance that he cannot give this plaintiff (the tribe) the fair and impartial hearing to which this plaintiff is entitled under the law.

Accordingly, plaintiff respectfully urges this Court to grant plaintiff's motion and enter an order disqualifying U.S. District Judge Luther Bohanon from further proceedings in this litigation.

## Footnotes:

1. This question has finally been resolved in the negative. See The Citizen Band Potawatomi Indian Tribe of Oklahoma v. Enterprise Management Consultants, Inc., No. CIV-86-1171-B (May 27, 1986 U.S. District Court, W.D. Okl.) (order granting plaintiff's motion to dismiss defendant's counterclaim); Enterprise Management Consultants, Inc. v. United States of America, ex rel. No. CIV-87-2464-A (Dec. 14, 1987 U.S. District Court, W.D. Okl.) (order).

2. The BIA was not yet a party to this suit. EMCI II (Apr. 9, 1987) (motion to dismiss third-party defendants United States of America, ex re. Department of the Interior; and Donald Hodel, Secretary of the Department of the Interior).

3. The principals in EMCI originally involved many investors including former State Senator Lee Cate. However, by 1986, only two principals remained active in EMCI: (1) John Clark Caldwell who was described by the Oklahoma County District Attorney as one of the state's bingo kingpins [Tribe I (Oct. 7, 1986) (continuation of the deposition of John C. Caldwell, Exhibit 23)] and (2) Leroy Wheeler, a tag agent in Norman.

4. This repeated factual assertion is patently in error. The maximum amount EMCI was authorized to spend on a building was \$250,000. Tribe I (May 27, 1986) (complaint, Exhibit B, p. 2, paragraph 4). Whatever the investment, Caldwell was netting over \$1 million in 1986 alone. Tribe I (March 23, 1987) (plaintiff's response to defendant's objection to subject matter jurisdiction for stay of proceedings).



Bulk Rate  
U.S. Postage  
**PAID**  
Tecumseh, OK.  
Permit No. 26

## Hospital (from page 1)

On June 6, the County Commission approved plans for the renovation contingent on final approval of a loan package, after hearing two hours of comments from numerous residents and accepting a petition of support for the hospital with over 400 signatures. Tribal Chairman John Barrett, addressing the Commission, stated the tribe's action had been taken to "put at ease the expressed concerns that this (financial) obligation could fall back on the county." Barrett stressed that the tribe was not interested in a "takeover" of the hospital, but if it should fall into

tribal ownership it would be maintained as a public entity with essentially the same management and staff.

"Just as the Potawatomi Tribe has \$6 million invested in a recreation facility (Fire Lake Golf Course) for all the people of this county, we're willing to once again extend what helping hand we can on this piece of land we once owned," said Barrett.

The two largest banks in Shawnee have both offered to finance the hospital improvement package which will be presented to the Commission at a later date.

## Heavy housing inventory providing opportunities

A heavy inventory of houses currently held by the Farmers Home Administration, the FDIC and the Federal Savings and Loan Insurance Corporation (FSLIC) may provide an unusual opportunity for tribal members to purchase homes.

Families needing housing that can afford monthly payments but do not have enough money for a down payment may be able to

purchase an existing home with assistance from the Bureau of Indian Affairs.

According to acting Area Director Joe Walker, eligibility for BIA assistance will be determined on a case-by-case basis. Interested tribal members should contact the housing officer at the BIA Anadarko Area Office, P.O. Box 368, Anadarko, Oklahoma 73005.

## Riverside seeking Indian students

UC Riverside welcomes all students of American Indian heritage to apply to the campus. Any interested graduating seniors or persons who have completed classes at the community college level are encouraged to call the EOP Office at 714-787-5306 and ask for the Ameri-

can Indian Immediate Outreach Coordinator, Diane Tomhave. She will be able to advise potential students in the application process. She will also be able to review transcripts and recommend academic programs to suit individual needs.

## Letters (from page 4)

[Levine, *The American Indian Today* (1965)]

Potawatomi tribal membership provides a tremendous sense of pride and identity. When I was seven or eight years old, my father first told me that I was Potawatomi and explained its significance. He also told me that when I grew up and had children, they could not be Potawatomi. Even then it seemed unfair.

Nonetheless, I feel that Scott Keep has raised some valid concerns in his letter. His central argument seems to be that membership based purely on descendency could bring in a large number of members having virtually no interest in tribal affairs.

It seems appropriate to limit "membership to persons who reasonably can be expected to participate in tribal relations and affairs." However, the ways of determining this as suggested in the 1935 Commissioner's memo obviously do not apply to us. Since members do not reside on a reser-

vation, this surely could not be a requirement. Furthermore, the offspring of a marriage even between two tribal members would in many cases not qualify under the 1/8 blood-quantum requirement.

Therefore we should look for other ways of determining whether or not certain descendants are likely to participate in tribal affairs. Most other governments do not automatically confer citizenship on children born outside of their territory of a marriage between a citizen and a non-citizen. They generally have some sort of residency or military service requirement.

As much as I share your resentment of the B.I.A.'s intrusion into tribal matters, I agree that granting unconditional membership to descendants may tend to diminish the value of membership for all. Membership that is in some way earned will greatly enhance one's sense of belonging to the tribe.

Steven Higbee  
Haiku, Maui, Hawaii

## Support *The HowNiKan*

Send Your  
Tax-Deductible  
Donations To:

**HowNiKan**  
Route 5, Box 151  
Shawnee, Oklahoma 74801